

Milwaukee Water Works Rate Case

3720-WR-108

Transcript of Proceedings

Volume 2

Technical Session

June 25, 2014

ORIGINAL



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BEFORE THE

PUBLIC SERVICE COMMISSION OF WISCONSIN

APPLICATION OF MILWAUKEE WATER)
WORKS, MILWAUKEE COUNTY,)
WISCONSIN, FOR AUTHORITY TO)
INCREASE WATER RATES)

Docket No.
3720-WR-108

EXAMINER MICHAEL E. NEWMARK, PRESIDING

TRANSCRIPT OF PROCEEDINGS

JUNE 25, 2014

VOLUME 2

TECHNICAL SESSION

Reported By:
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HEARING HELD:

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Milwaukee, Wisconsin

10:00 a.m.

TRANSCRIPT PAGES:

1 - 197, Incl.

EXHIBITS:

Cramer 18-19,
Lewis 24-26,
Kaempfer 6,
Behm 6

ORIGINAL

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A P P E A R A N C E S

MILWAUKEE WATER WORKS, by TIM IGNATOWSKI and
CARRIE LEWIS, 841 North Broadway, Room 409,
Milwaukee, Wisconsin 53202; and

City Attorney's Office, by MR. THOMAS MILLER,
200 East Wells Street, Room 800, Milwaukee,
Wisconsin 53202.

CITY OF WEST ALLIS, VILLAGE OF BROWN DEER,
VILLAGE OF BUTLER, VILLAGE OF GREENDALE, VILLAGE OF
MENOMONEE FALLS, CITY OF MEQUON, CITY OF NEW BERLIN,
VILLAGE OF SHOREWOOD, CITY OF WAUWATOSA, Boardman &
Clark, LLP, by MS. LAWRIE J. KOBZA, One South
Pinckney Street, 4th Floor, Madison, Wisconsin
53701-0927.

MILLERCOORS LLC, Quarles & Brady LLP, by JOE
WILSON and BRANDON GUTSCHOW, 411 East Wisconsin
Avenue, Suite 2350, Milwaukee, Wisconsin 53202-4426.

OF THE COMMISSION STAFF

ARIELLE SILVER KARSH, Office of General Counsel
David Prochaska

(FOR INDEX SEE BACK OF TRANSCRIPT.)

1 TRANSCRIPT OF PROCEEDINGS

2 (Discussion held off the record.)

3 EXAMINER NEWMARK: Let's get on the record
4 in the -- off line we were discussing the prehearing
5 witness and exhibit list and went through some
6 corrections and discussed some other procedures,
7 reviewed some -- some of the correction process, but
8 now we're ready for our first witness.

9 Let's say that all the documents
10 identified in the witness and exhibit list are in
11 the record. There will be an opportunity to object
12 to the surrebuttal.

13 Let me ask now if there's any objections
14 to the prefiled surrebuttal?

15 MR. MILLER: Actually, yes.

16 EXAMINER NEWMARK: Okay.

17 MR. MILLER: Water Works has one objection
18 in the testimony of Christopher Kaempfer -- and am I
19 pronouncing that wrong?

20 MS. KOBZA: Kaempfer.

21 MR. MILLER: Kaempfer, right?

22 MR. KAEMPFER: Yes.

23 MR. MILLER: There is -- on page 10 of
24 Mr. Kaempfer's surrebuttal, there's a reference to
25 an e-mail from Water Works Attorney Thomas Miller,

1 which would be me.

2 EXAMINER NEWMARK: Uh-huh.

3 MR. MILLER: Our objection goes to the
4 fact that this is a citation to a document that's
5 not in the record.

6 EXAMINER NEWMARK: Okay. So let me just
7 get back -- so it's in testimony. What page did you
8 say?

9 MR. MILLER:
10 Surrebuttal-Wholesale-Customers-Kaempfer-10.

11 MS. KOBZA: You're talking about lines 5
12 through 8?

13 MR. MILLER: Lines 5 through 8, correct.

14 MS. KOBZA: So we could offer that as an
15 exhibit.

16 EXAMINER NEWMARK: Uh-huh.

17 MR. MILLER: My response to that would be
18 that we haven't had -- I mean, there's no date
19 provided. I think it was on the witness to -- they
20 made an assertion, asserted to a document not in the
21 record.

22 EXAMINER NEWMARK: Uh-huh. Right.

23 MR. MILLER: I think at this point that
24 should be struck.

25 EXAMINER NEWMARK: Okay. Well, I mean, we

1 can correct this if we can get document in as a late
2 exhibit. However, you know, is this a -- can anyone
3 explain whether that's a -- was it a discovery
4 request?

5 MR. KAEMPFER: Yes.

6 EXAMINER NEWMARK: I'm sorry, let's have
7 your attorney answer.

8 MS. KOBZA: Yes, it was a discovery
9 request.

10 EXAMINER NEWMARK: Yeah. I -- let's get
11 the document in. I think we'll -- I think at this
12 point I'll overrule the objection if we can get the
13 document in within the next three days. If there's
14 any problems with it, we can -- we can revisit the
15 issue, but I don't -- I don't think that will be a
16 substantial problem.

17 Do you have copies of it here?

18 MS. KOBZA: No.

19 EXAMINER NEWMARK: No, okay. All right.
20 Well, all right. So let me do this. Let me
21 withhold my ruling but let you file it within three
22 days, and then if I say nothing on the issue, then
23 it will go in. If not, we'll deal with changing the
24 testimony because I don't see that there would be a
25 big problem with an e-mail from you, from

1 Mr. Miller, in response to a party question, you
2 know, unless there's something really objectionable
3 about it.

4 MR. MILLER: Well, it's just that we don't
5 have the benefit of the document in responding to it
6 in our -- in our testimony today, which is our
7 opportunity to respond to the surrebuttal.

8 EXAMINER NEWMARK: Right. Well, I'll give
9 you an opportunity, if necessary.

10 MR. MILLER: Okay.

11 EXAMINER NEWMARK: You can do that later.
12 Just from the appearance of it, I don't know that it
13 will be that serious of an issue. Hopefully it
14 won't be serious. We'll see how it goes, but I
15 appreciate you pointing that out so we can deal with
16 it.

17 Anything else? (No response.)

18 Okay. Except for that portion of
19 Mr. Kaempfer's surrebuttal, the rest will go in the
20 record along with the exhibits.

21 Anything else before our witnesses start?
22 (No response.)

23

24

25

1 EXAMINER NEWMARK: No. So we'll start
2 with Milwaukee.

3 MR. MILLER: Milwaukee Water Works will
4 call Peiffer Brandt as our first witness.

5 PEIFFER BRANDT, MILWAUKEE WATER WORKS WITNESS, DULY SWORN

6 EXAMINER NEWMARK: Go ahead.

7 DIRECT TESTIMONIAL STATEMENT

8 BY MR. MILLER:

9 Q Would you state your name and business address.

10 A Peiffer Allen Brandt, 1031 South Caldwell Street,
11 Charlotte, North Carolina 28203.

12 Q And did you cause or cause to be filed direct,
13 rebuttal, and surrebuttal testimony in this rate
14 proceeding?

15 A I did.

16 Q And did you file or cause to be filed Exhibits Brandt
17 1 through 10 in this proceeding?

18 A I did.

19 Q If you were to be asked the same questions as you
20 were asked in your prefiled testimony today under
21 oath, would your answers be the same?

22 A They would.

23 Q And did you review the surrebuttal testimony filed by
24 the intervener witnesses and PSC staff witnesses?

25 A I did.

1 Q Would you like to respond to anything in surrebuttal
2 testimony?

3 A I would. In reviewing the surrebuttal testimony, I
4 don't think I did a particularly good job in
5 responding to Mr. Hanser's response to my rebuttal
6 testimony, and my response was rather clumsy, and I'd
7 like an opportunity to go into a little more detail
8 on that.

9 Q Okay. And what issue in particular?

10 A In particular related to the model. In his questions
11 regarding the model, he had raised a question --
12 well, first of all, I had responded in such a way
13 that it may have implied that Milwaukee was not being
14 transparent, and certainly didn't mean that at all.

15 Milwaukee has attempted to be as
16 transparent as possible in developing a model. You
17 know, unfortunately, there are limits to the
18 resources available, and to develop a model that is
19 completely user friendly and to walk all customers
20 through that model and make sure everyone has perfect
21 understanding of it is a little unrealistic.

22 But that being said, certainly don't want
23 to think that anyone shouldn't get that
24 understanding, and Milwaukee would certainly like all
25 customers to have a full understanding of the model.

1 And, you know, Milwaukee would be willing, assuming
2 the effort is not too great, to spend time with
3 customers if they have concerns or don't fully
4 understand the workings of the model.

5 Q Do you have any further clarifications or comments on
6 the surrebuttal testimony?

7 A I think I didn't fully respond to the question
8 regarding the change in revenue requirements. There
9 is a manual step in the model regarding the revenues
10 that when the peaking factors or the customer demand
11 ratios change, that the -- there's a rate -- we have
12 to manually adjust the rate and so the revenues
13 change without -- when you do the model.

14 I mentioned that, but I think what
15 Mr. Hanser was referring to was the revenue
16 requirements, not the revenues, and those also --
17 there's also a manual step involved in that. When
18 the peaking factors are changed on the -- for the
19 customers, because there's a differential rate of
20 return applied, that -- those different peaking
21 factors change the asset allocations slightly, which
22 changes the -- what assets get, you know, a rate of
23 return of 5.25 versus 6.25 percent is applied. So it
24 does change the revenue requirements, but the change
25 is really fairly insignificant.

1 Also I should mention that from Schedule 2
2 of the model, the blended rate of return needs to be
3 copied from that schedule and added to Attachment 14
4 in the revenue requirements model. So that's
5 another manual step within the model, just to point
6 out. And hopefully with that explanation, you know,
7 Mr. Hanser can fully understand the model. But
8 again, you know, if there's further questions, I'm
9 happy to discuss those with him or any of the other
10 parties.

11 Q And does that conclude your comments on the
12 surrebuttal testimony?

13 A There's one thing I do want to mention is the model
14 has been reviewed both by me personally and other
15 members of my staff as well as Trilogy, and we are
16 confident that the results that it's providing are
17 correct.

18 MR. MILLER: Thank you.

19 EXAMINER NEWMARK: Cross-examination.

20 CROSS-EXAMINATION

21 BY MS. KOBZA:

22 Q Mr. Brandt, roughly how many cost of service studies
23 have you personally done?

24 A When you say cost of service study, are you talking
25 about the detailed cost of service study with the

1 allocation kind of base max day?

2 Q Yes.

3 A Those, probably worked on -- gosh, I don't know, the
4 detailed kind, maybe 15, 20 in various levels. You
5 know, I don't know exactly, but --

6 Q Roughly how many of those, those 15 or 20 or so,
7 involved wholesale community customers?

8 A Again, trying to recall. Some certainly did, but not
9 all did. You know, I don't know if half. Without
10 looking at a list, I couldn't tell, but I would say
11 some do but not all.

12 Q Okay. And how many of those involving wholesale
13 community customers did you allocate fire protection
14 cost to the wholesale customers?

15 A I don't recall exactly. I would have to go and look
16 at those various ones, so I'm not sure about that.

17 Q Were there some of the cost of service studies you
18 did that involved wholesale customers -- wholesale
19 community customers where you did not allocate fire
20 protection cost to the wholesale communities?

21 A Again, I would have to look back to -- to see. I
22 don't recall.

23 Q Would you agree that nationally it's more common not
24 to allocate fire protection costs to wholesale
25 communities?

1 A I think that probably is the case. You know, I don't
2 know the breadth of all the states, but I think that
3 probably is the case. I think Wisconsin, things are
4 handled a little bit differently than they are
5 handled nationally, and certainly the precedent in
6 Wisconsin, certainly by the previous case, is to
7 handle them this way and left it that way. But I --
8 I would say that that's probably an accurate
9 statement that the majority do not allocate that but,
10 you know, somewhat of a guess because I don't deal
11 with all the cost of service studies around the
12 country.

13 MS. KOBZA: All right. Thank you.
14 Nothing further.

15 EXAMINER NEWMARK: Okay. Any other cross?

16 MR. WILSON: Just one.

17 EXAMINER NEWMARK: Okay.

18 CROSS-EXAMINATION

19 BY MR. WILSON:

20 Q I appreciate your clarification on the model. I'm
21 Joe Wilson on behalf of MillerCoors. Would you
22 agree, though, that it is too late in this case for
23 MillerCoors' expert to use the explanations you
24 provided in developing testimony or exhibits?

25 A I don't believe I would. And as I said, the

1 difference was very minor when I used different
2 peaking factors, so I -- that's not my judgment of
3 whether it's too late or not. I'm not sure. I
4 mean --

5 MR. WILSON: Nothing further.

6 EXAMINER NEWMARK: Staff?

7 MS. SILVER KARSH: No questions. Thank
8 you.

9 EXAMINER NEWMARK: Redirect.

10 REDIRECT EXAMINATION

11 BY MR. MILLER:

12 Q Mr. Brandt, did you personally prepare the cost of
13 service study in this case?

14 A I did not. That was prepared by John Wright, who is
15 with my firm. I prepared the revenue requirements
16 piece and the rate design.

17 MR. MILLER: Thank you.

18 EXAMINER NEWMARK: Thanks. You're
19 excused.

20 (Witness excused.)

21

22

23

24

25

1 EXAMINER NEWMARK: Next witness.

2 MR. MILLER: Milwaukee Water Works will
3 call Christine Cramer.

4 CHRISTINE CRAMER, MILWAUKEE WATER WORKS WITNESS,

5 DULY SWORN

6 DIRECT EXAMINATION

7 BY MR. MILLER:

8 Q Would you please state your name and business
9 address.

10 A Christine Cramer, 231 East Buffalo Street, Suite 306,
11 Milwaukee, Wisconsin 53202.

12 Q And did you file or cause to be filed direct,
13 rebuttal, and surrebuttal testimony in this
14 proceeding?

15 A Yes, I did.

16 Q And did you file or cause to be filed Exhibits Cramer
17 1 through Cramer 17 in this proceeding?

18 A Yes, I did.

19 Q If were you to be asked the same questions as asked
20 in your prefiled testimony today under oath, would
21 your answers be the same?

22 A Yes.

23 Q Did you review the surrebuttal testimony filed by the
24 intervener witnesses and PSC staff witnesses?

25 A Yes, I did.

1 Q And would you like to respond to any surrebuttal
2 testimony?

3 A Yes. I would like to respond to Mr. Kaempfer's
4 testimony regarding -- in his surrebuttal regarding
5 the validity of the data in the customer demand
6 study, and also to Mr. Rothstein's testimony
7 regarding my Exhibits 3 through 10 that were filed
8 with my rebuttal testimony.

9 Q What would you like to say regarding Mr. Kaempfer's
10 testimony on the validity of the data?

11 A Well, three things. First, on pages 7 and 8 on his
12 surrebuttal testimony, Mr. Kaempfer questions the
13 validity of data I used in the customer demand study
14 for the two meters at the primary connection point
15 for the Greendale system.

16 He filed as his Exhibit 4 charts showing
17 the flow rates for those two meters in July of 2012
18 and July of 2013, and the charts show that the meters
19 were reading at their maximum points about 1,000
20 gallons per minute different from each other in July
21 of 2012 but that they had the identical flow rates
22 for July of 2013.

23 Those -- the July 2013 graph does not
24 reflect the data that was used in the customer demand
25 study, which I again reviewed. Those two meters were

1 consistently reading maximum flow rates about 1,000
2 gallons per minute different in both July of 2012 and
3 July of 2013.

4 Q And do you wish to introduce any documents that would
5 support that --

6 A Yes.

7 Q -- conclusion?

8 A Yes. I prepared my Exhibit 18, which shows the data
9 that was actually used in the customer demand study
10 for those two meters in July of 2013.

11 MR. MILLER: Okay. I'm going to show you
12 a document. If you'll please wait until I can
13 provide copies.

14 (Exhibit Cramer 18 marked for identification.)

15 BY MR. MILLER:

16 Q Would you please identify this document for the
17 record.

18 A This is my Exhibit 18, and what it shows is a chart
19 of the data that was used, the maximum flow rates and
20 gallons per minute for the two meters in question,
21 for July of 2012 and July of 2013. And as we'll see
22 in looking at these charts, the meters in question
23 did consistently read maximum flow rates of about
24 1,000 gallons per minute different in both July of
25 2012 and July of 2013.

1 MR. MILLER: We -- Milwaukee Water Works
2 would ask that this document be entered into the
3 record as Exhibit MWW Cramer -- MWW-Cramer-18.

4 EXAMINER NEWMARK: Any objections? (No
5 response.)

6 Okay. It's in.

7 (Exhibit Cramer 18 received.)

8 BY MR. MILLER:

9 Q Do you have any response to Mr. Kaempfer's testimony
10 about units for commercial and residential charts?

11 A Yes, I do. On page 10, Mr. Kaempfer refers to an
12 e-mail from City Attorney Thomas Miller to himself
13 stating that the units on the charts of hourly meter
14 reading data for the retail residential and
15 commercial classes were stated in units of one cubic
16 foot per day.

17 Regardless of what was stated in the
18 e-mail, I do want to clarify that in the demand
19 study, the units on all of the hourly and daily
20 charts for residential and commercial classes are in
21 fact in units of .1 cubic feet.

22 Q And just for the record, were you provided a copy of
23 the e-mail as an exhibit to Mr. Kaempfer's
24 surrebuttal?

25 A No, I was not.

1 And also on page 10 of Mr. Kaempfer's
2 testimony, I would like to respond to his concern
3 about the -- that the hourly demand charts for
4 residential and commercial customer classes have no
5 zero readings, and I want to clarify what those
6 charts are in fact showing. They're not showing the
7 average hourly demand of the individual customers in
8 the sample.

9 What they are showing is the total
10 hourly -- total hourly demands of the residential
11 class sample and the commercial class sample with
12 one curve for each day during the sample period. So
13 the reason there's no zero reading on those charts
14 is that each of those curves is showing the sum
15 total of hourly flow for anywhere from 71 to 185
16 customers, depending on the sample, and the
17 sample -- the customer class and the sample period.
18 So it's not unreasonable to think that those would
19 not have a zero reading given the number of
20 customers included in those figures.

21 Q Okay. Does that -- do you have any further comments
22 on the surrebuttal of Mr. Kaempfer?

23 A No.

24 Q Okay. What would you like to say regarding -- or
25 what response do you have to Mr. Rothstein's

1 surrebuttal testimony?

2 A In Mr. Rothstein's surrebuttal, he talks about my
3 Exhibits 3 through 10, and after reviewing his
4 surrebuttal and reviewing again my rebuttal
5 testimony, I can understand where Mr. Rothstein may
6 have been mistaken in interpreting the exhibits that
7 I submitted as 3 through 10, so I wanted to add to
8 and clarify my explanation of what is shown in those
9 exhibits.

10 In those exhibits, I am not showing the
11 average ratios of individuals in the sample. What
12 I'm showing is the peak ratios of the sample as a
13 whole as more customers are added to each of those
14 samples. And so the point that I was making is that
15 as you add more customers to each sample, the
16 ratios -- the peaking ratios of the sample as a
17 whole decrease, and that after a certain point, as
18 you add more customers to the sample, it does not
19 substantially change the peaking ratios of the
20 sample as a whole.

21 Q Okay. Do you have any further comments on the
22 surrebuttal testimony?

23 A No.

24 MR. MILLER: Thank you.

25 EXAMINER NEWMARK: All right.

1 Cross-examination?

2 CROSS-EXAMINATION

3 BY MS. KOBZA:

4 Q When was Trilogy hired to do the demand study?

5 A It was in, I believe, February of 2012.

6 Q And prior to starting the study, did Trilogy meet
7 with PSC staff on how to conduct the demand study?

8 A No, it did not.

9 Q Prior to starting it, the study, did you meet with
10 wholesale customers to discuss the study?

11 A No, I did not.

12 Q During 2012 and 2013 while the sampling was ongoing,
13 did you meet with PSC staff to discuss the study?

14 A No.

15 Q During 2012 and 2013 while the sampling was ongoing,
16 did you meet with the wholesale customers to discuss
17 this study?

18 A No, we did not.

19 Q When was the sampling completed?

20 A Majority of it was completed in October of 2013.

21 However, we have gathered some additional data since
22 then for Shorewood.

23 Q Based on an exhibit from Mr. Granum, Exhibit 2,
24 Trilogy representatives met with the wholesale
25 customers in February of 2014. At that time was the

1 demand study completed?

2 A No, it was not finalized.

3 Q Was there a draft of the study done at that time?

4 A No.

5 Q When was a draft of the study first presented to
6 Milwaukee?

7 A I don't recall exactly when it was presented.

8 Q Do you know whether it was in 2014 or 2013?

9 A It was in 2014.

10 Q Do you know whether it was in the winter of 2014 or
11 the spring?

12 A I don't recall when we presented the draft to
13 Milwaukee.

14 Q Was the draft of the study done when Milwaukee filed
15 its application for a rate case on March 4, 2014?

16 A No.

17 Q Do you have -- do you know when the first draft of
18 the study was completed?

19 A I don't know the exact date.

20 Q Do you have a copy of the demand study up -- I have
21 some questions. That's your Exhibit 2.

22 A Okay. I don't have it in front of me.

23 MR. MILLER: Do you have an extra?

24 MS. KOBZA: No, I don't have an extra.

25 BY MS. KOBZA:

1 Q I have a question about the residential retail
2 sampling.

3 A Okay.

4 Q Would you agree that an important part of the demand
5 study was selecting the residential retail customers
6 that would be sampled?

7 A Yes.

8 Q And the demand study discusses how you went about
9 selecting those samples?

10 A Yes.

11 Q Would you agree that the map that I provided you,
12 except for the yellow coloring on it, is the same as
13 what appears in page 30 of your demand study?

14 A Yes.

15 Q And I would like you to check whether the areas that
16 are yellowed, and I'll tell you that I yellowed those
17 areas, are the same as the areas you indicate on the
18 demand study were sampled.

19 A These are the areas that we drew our initial
20 residential sample from. When I talk on page 29 of
21 the customer demand study, about the 360 accounts
22 that were initially selected, they were selected in
23 fact from these billing routes.

24 I don't -- could you repeat your question,
25 though? I don't know if I answered that exactly.

1 Q I just wanted to confirm that this map was an
2 accurate reflection of what you were saying on
3 page 29.

4 A Okay.

5 Q The answer is, yes, it is?

6 A Yes.

7 Q On page 28 of the demand study in -- in the middle of
8 the page, the second paragraph, you end that
9 paragraph by saying that there are observable
10 differences in demand patterns in different
11 geographic areas of the retail service area, correct?

12 A What's the question?

13 Q I am going to ask you to use this map to show us
14 the -- what the different geographic areas of the
15 retail service area you're basing this statement on.

16 A Is there a question?

17 Q Yes.

18 A Okay. What is the question?

19 Q The question is, using this map, what are the
20 observable differences in the demand areas in the
21 different geographic areas of the retail service
22 area? Describe the different areas on this map and
23 the different -- differences you're seeing in demand
24 patterns.

25 A Okay. This will take some time. Okay. On -- on

1 page 9 of the customer demand study, I refer to
2 Billing Group 1, Billing Group 2, and Billing Group 3
3 that corresponds to the different geographic areas.
4 The Billing Group 1 areas are the ones shown on map 2
5 with a 100 number, the Billing Group 2 are the ones
6 shown on map 2 with a 200 number, route number, and
7 the Billing Group 3 areas are shown on map 2 with a
8 300 route number.

9 Q So looking at page 9 and looking at this map, are you
10 saying that the Billing Group 1 are the properties or
11 the area to the north on this map?

12 A Yes.

13 Q Even though on the bottom of page 9 it says Billing
14 Group 1, which had relatively low quarterly peak to
15 average demand ratios are primarily located in the
16 central portion of the City of Milwaukee?

17 A No, I would like to correct that. Billing Group 1
18 should be the billing routes in the center of the
19 map.

20 Q The ones that start with a 200 is Billing Group 1?

21 A It's difficult for me to answer this question because
22 I don't have all the detailed backup data that was
23 analyzed for the customer demand study.

24 Q I'm not trying to trick you. I'm trying to follow
25 what's here, so --

1 A Okay.

2 Q So based on what you say on the bottom of page 9 --

3 A Uh-huh.

4 Q -- can you tell me where Billing Group 1, 2, and 3 is
5 on this map 2?

6 A Based on what I have in front of me, I cannot tell
7 you all the individual routes that were in Billing
8 Group 2 and Billing Group 1 and Billing Group 3.

9 Q Was Trilogy responsible for selecting the residential
10 retail customers that would be sampled?

11 A We selected an initial list of 360. We eliminated
12 some of those that didn't have readings and gave
13 Milwaukee Water Works that list of customers, and
14 they were responsible for putting -- installing the
15 electronic devices into the meters for the -- for the
16 study.

17 Q Was Milwaukee Water Works involved in selecting those
18 original 360 customers?

19 A We reviewed our process with them, and we reviewed
20 the list, but we were the ones who selected the list
21 of customers to include on that list of 360.

22 Q Do you have -- my understanding is that ultimately
23 you metered 185 customers in July and August of 2013;
24 is that correct?

25 A Yes.

1 Q Can you tell me where those 185-plus customers are,
2 or from which route numbers those 185 customers came
3 from?

4 A No, not -- not based on what I have here with me
5 today.

6 Q How did you go down from 360 customers to 185
7 customers?

8 A Well, as I testified, generally there were a number
9 of obstacles in getting those meters installed. We
10 began the study in February of 2012. There was some
11 delay in actually getting the units from the
12 manufacturer that manufactured them. There was
13 delays and problems with gaining access to the meters
14 to install those devices into the meters, and lack of
15 instructions from the manufacturer as to how to
16 collect the data once the meters were installed. So
17 all those led to us having fewer meters installed
18 than we had originally thought we would need for the
19 study.

20 Q My understanding from the demand study was that in
21 order to be representative, you selected 30 customers
22 from each one of these yellow areas; is that correct?

23 A Yes. And also to make sure that we had a sufficient
24 number of customers in case some of the meters could
25 not be installed.

1 Q Can you tell me whether you had the same number of
2 customers in each of these routes once you reduced
3 the sample size to 185 customers?

4 A No.

5 Q Is it possible that, for example, 136 -- Route 136
6 would have zero customers in?

7 A It's possible. However, I do not believe that it
8 matters. Based on the data that we actually obtained
9 from the 185 customers, I do believe that the sample
10 size was not only sufficient but representative.

11 Q I understand from your rebuttal testimony why you
12 believe it's sufficient from a size perspective. Why
13 do you believe it is representative of the system as
14 a whole given your other -- given your other
15 statements in the demand study?

16 A Well, as I explain in my testimony and we also
17 discussed in the customer demand study itself, we
18 were not interested in obtaining a sample of
19 individual customers whose individual peaking ratios
20 were representative of the average of all the
21 customers in the class. What we intended to do, what
22 we wanted to do, and what I believe we were able to
23 do was obtain a sample of customers whose peaking
24 ratios as a group are reasonably representative of
25 the peaking ratios of the class as a whole. And what

1 I showed in Exhibits 3 through 10 is that as you add
2 customers to the sample, those ratios continue to
3 decline, and after a certain point they do not change
4 substantially by adding more customers or a different
5 mix of customers to the sample. So I believe that
6 the sample that we obtained is in fact
7 representative.

8 Q You added a different mix of customers? Did you say
9 that in your rebuttal testimony, talk about the mix
10 of customers as opposed to the number of customers?

11 A Well, what I did in those exhibits is that I pulled
12 first one customer from the list of customers that
13 were sampled, then I added another group of 24, and
14 then another group of 25, and so on and so forth. So
15 by looking at different subsets of the sample, I did
16 have a different mix of customers in each of those
17 subgroups.

18 Q And is that regardless -- did you pull those
19 customers regardless of whether they're in Billing
20 Group 1, 2, or 3?

21 A Yes.

22 Q Would you look at page 29 of the demand study, and
23 the four bullet points in the middle.

24 A Yes.

25 Q In there are you discussing how different routes are

1 significantly different than the retail area as a
2 whole?

3 A Yes. With the routes that we initially randomly
4 selected from the billing routes shown on Map 2.

5 Q But from what I understand you're saying now is that
6 the routes don't matter at all?

7 A I don't believe so.

8 Q You don't believe the routes matter?

9 A Right.

10 Q So your current view would be you could take all the
11 samples from Billing Group 1, and you would get a
12 representative demand factor?

13 A I think if you have enough customers in the group
14 that you select, it will bring that demand factor
15 down to a level that represents the composite
16 patterns of the class as a whole.

17 Q So if you took the -- all your samples from the
18 middle of a city, for example, that has small lawns,
19 that would be representative of a sample or would be
20 representative of an area in a suburban area that has
21 large lawns?

22 A As a whole.

23 Q Would you be able to provide us addresses for the 185
24 customers that were sampled?

25 A I would have to look at the original data and confer

1 with the utility on whether we'd provide those
2 addresses or not, yes.

3 MS. KOBZA: I would like to ask for that
4 as a delayed exhibit, or at least ask for that as a
5 delayed discovery request and then determine whether
6 to ask it to be introduced as an exhibit.

7 EXAMINER NEWMARK: Okay. Well, what would
8 the purpose of that be?

9 MS. KOBZA: To -- for us to evaluate
10 whether that sample -- that sample is representative
11 of the retail system as a whole.

12 EXAMINER NEWMARK: Well, I think at this
13 point I think it's a little too late to be asking
14 for that kind of information in discovery. I think
15 that was a question that could have been asked. A
16 demand study was filed in Ms. Cramer's direct
17 testimony, so I think at this point we'll have to
18 forgo that kind of investigation just based on
19 timing. That could have been done far in advance of
20 this hearing.

21 MS. KOBZA: I would then like to have this
22 map be introduced as an exhibit.

23 EXAMINER NEWMARK: Okay. Now does it --
24 if -- as far as illustrating the point, I mean, this
25 is just a map from the study, and the information in

1 terms of the billing groups or the routes are in the
2 study, so they're identified in the study. So you
3 think it would be helpful as an exhibit to have the
4 visual -- visual identification on the map?

5 MS. KOBZA: I do.

6 EXAMINER NEWMARK: Yeah.

7 MS. KOBZA: And also based on the
8 testimony that Billing Group 2 is -- you know, where
9 the different billing groups are.

10 EXAMINER NEWMARK: Okay. Yeah, that's --
11 I have no problem with that. Any objections to
12 that?

13 MR. MILLER: No, we have no objection.

14 EXAMINER NEWMARK: Okay. So that would
15 be -- that is Cramer 19.

16 (Exhibit Cramer 19 marked and received.)

17 EXAMINER NEWMARK: And I am just
18 wondering, are we clear on where the groups are, or
19 was that not fully answered?

20 THE WITNESS: I would have to -- I believe
21 that the Billing Group 1 groups would be generally
22 the central portion of this map, and Billing Group 2
23 would be the south portion of the map, and Billing
24 Group 3 would be the north -- northern roughly third
25 of that.

1 EXAMINER NEWMARK: Okay. But does it
2 necessarily correspond with the numbers? Like 100s,
3 200, 300s, that's where you're not so sure?

4 THE WITNESS: I believe it does. It's
5 based on the timing of when the meters are read, so
6 I believe it does correspond to the numbers. And I
7 thought it was 100 as Billing Group 1, but it's not
8 actually, so --

9 EXAMINER NEWMARK: Okay. That's fine.
10 All right. So we have 19 in the record.

11 Any more questions?

12 MS. KOBZA: Yeah.

13 EXAMINER NEWMARK: Okay.

14 BY MS. KOBZA:

15 Q For the residential analysis, is it correct that you
16 did not use in your analysis any sample results
17 obtained for 2012 for residential customers?

18 A I'm not sure what you mean by that question. We did
19 analyze results from 2012.

20 Q For the calculation of the demand factors --

21 A Okay.

22 Q -- is it fair to say you did not use any of the
23 residential results for 2012?

24 A Are you referring to a specific page that I could
25 reference?

1 Q Let's see. Page 71 and 72. I believe you -- you
2 indicate that -- let's see -- that you used only the
3 third sample results.

4 A Where does it say that on page 71?

5 Q Well, maybe it says that on page 91. Would these
6 questions be better for Mr. Granum?

7 A No.

8 Q Okay.

9 A I'm just not sure what you're referring to exactly,
10 and I would like to refer to the same page.

11 MS. KOBZA: Sure.

12 MR. MILLER: So just so I'm clear, is
13 counsel -- is counsel looking for the page as the
14 predicate for the question?

15 MS. KOBZA: No. I believe the witness is
16 looking for the page.

17 THE WITNESS: Because I don't know what --
18 I would like clarification as to what specifically
19 in the customer demand study.

20 MR. MILLER: There was confusion about
21 whether you were referring to page 71 or page 91.

22 MS. KOBZA: I'm referring to the demand
23 factor for the residential class and what time
24 period it's based upon.

25 THE WITNESS: Okay. So are you referring

1 to Table 25 on page 94?

2 MS. KOBZA: Those are the demands you
3 calculated.

4 THE WITNESS: Okay.

5 MS. KOBZA: The sample period.

6 THE WITNESS: Okay, okay. So for the
7 residential class, we used the July and August of
8 2013 sample period which had the highest ratio of
9 max-day and max-hour average day, and we multiply
10 that by a seasonal peak factor based on 2012 and
11 2013.

12 BY MS. KOBZA:

13 Q So the dates for the sample period were what that you
14 used?

15 A Okay. For the residential class?

16 Q For the residential class.

17 A That was July 14th through August 8th of 2013.

18 Q Do you know whether the max day for the residential
19 class occurred during July 14th to August 8th?

20 A I did not measure the -- obviously the maximum day or
21 hour use of the entire residential class during that
22 time period. So, no, I do not know that. I do know
23 that the seasonal -- the -- sorry -- the system peak
24 day occurred during that time period.

25 Q In your opinion, is a sample period of 26 days long

1 enough -- is a long enough sample period for a demand
2 study?

3 A Well, I believe we captured or were very -- or had
4 high probability of capturing the peak day for the
5 residential class during 2013 even though the system
6 peak occurred during that same time period, and I
7 also will say that this sample period is much more
8 extensive than the one that was used in the study
9 that was done in 1977 to establish ratios that have
10 been used for Milwaukee's retail classes since that
11 time.

12 Q If you look at page 74, Chart 33.

13 A Yes.

14 Q Does -- does that show us what is the max day you're
15 using for the sample?

16 A Yes, it does.

17 Q And what is the max day?

18 A In total units or ratio? Or which date is it? What
19 are you asking?

20 Q The date.

21 A Okay.

22 Q The date.

23 A Okay. July 15, 2013.

24 EXAMINER NEWMARK: So you're referring to
25 Chart 33?

1 THE WITNESS: Yes.

2 EXAMINER NEWMARK: At page 74 of the
3 study, right?

4 THE WITNESS: Yes.

5 EXAMINER NEWMARK: Okay.

6 BY MS. KOBZA:

7 Q If you go to page 93 of the demand study, and at the
8 top of that page, there's a formula?

9 A Yes.

10 Q And is my understanding correct that what we're
11 trying to get is the maximum day for the year over
12 the average day for the year?

13 A Yes.

14 Q So for the sample that we took -- that you took of
15 the 185 customers, assuming that you got the max day,
16 you would have the numerator of that -- of the
17 maximum day for the year; is that right?

18 A Yes.

19 Q For the 185 customers, could we get their annual
20 water usage for the year?

21 A Yes.

22 Q And we could determine their average day for the year
23 by dividing that by 365?

24 A Yes.

25 Q So looking at the equation on the top of page 93, we

1 could do -- we could calculate the maximum day over
2 average day -- for over average day for a year
3 without doing any of the calculations that appear on
4 the right side of the equal sign, would you agree?

5 A Yes, we could, which would give us the max ratio for
6 2013 --

7 Q Right.

8 A -- alone. We factored in a seasonal peaking factor
9 that took into account 2012 seasonal peak and 2013
10 seasonal peak.

11 Q But you used a maximum day for the year. You used
12 the 2013 number; is that correct?

13 A We used the ratio of the maximum day during our
14 sample period to the average day during our sample
15 period.

16 Q Going back to page 93, the second assumption -- or, I
17 mean -- I'm sorry. The second sentence, an important
18 assumption that the analysis makes is that the peak
19 usage ratio within any given period during the month
20 or during the year, paren, quarter or month are
21 fairly constant compared to peak ratios within any
22 other period.

23 Do you believe that assumption to be true?

24 A Yes.

25 Q You believe that the peak usage in the summer months

1 would be the same as the peak usage in a winter
2 period?

3 A No, that's not what that is saying. I'm saying is
4 that the ratio of peak usage during a given month,
5 say July of 2013, to the average day usage during the
6 month of July would be similar to that ratio if you
7 calculated it based on another individual month's
8 worth of data.

9 Q So the -- you believe that the peak ratio for July
10 when lawn watering may be going on, this ratio -- I'm
11 sorry. The ratio to the average for July would be
12 the same as what you would see -- that ratio would be
13 the same as what you would see in December when
14 there's no lawn watering going on?

15 A I believe it would be similar because the entire
16 average daily demand during that period would also be
17 higher.

18 Q Going -- based on its calculation on the top of the
19 page, my understanding is you apply a seasonal
20 peaking factor to the ratio you calculated?

21 A Yes.

22 Q Is that -- do you have the seasonal peaking factor
23 for the residential class?

24 A No, not for the residential class by itself. We
25 apply the system peaking factors for 2012 and 2013.

1 Q Wouldn't that dampen the peaking factor for the
2 residential class?

3 A Possibly. You also note in the study that the ratio
4 that we proposed for the residential customer class
5 is rounded up from the ratio that was calculated in
6 the study.

7 Q Do you assume in this study that the seasonal peaking
8 factor for the system is the same as the seasonal
9 peaking factor for the residential class?

10 A We don't assume that it's exactly identical because
11 there are other customer classes involved. However,
12 the residential customer class is by far the majority
13 of the customers in the system.

14 Q And wouldn't the lower peaking ratios that industry
15 has lower the peaking factor for the system, the
16 seasonal peaking factor for the system?

17 A Could potentially slightly lower it.

18 Q I'd like you to look at the tables on pages 55 to 62.
19 Do you have -- or does Milwaukee have the information
20 on -- let's look at page 55, for example -- Brown
21 Deer total for November of 2013 and December 2013?

22 A I don't have that data.

23 Q So if I have a question on that, I should ask
24 Milwaukee?

25 A Yes.

1 Q Is there a reason you did not include that in this
2 report given that you testified that the report
3 wasn't done at the end of 2013?

4 A We had completed the bulk of our analysis as of
5 November of 2013. We did not go back and update it
6 further after that point other than from the meetings
7 that we had with the wholesale customers in February
8 of 2014.

9 Q So the bulk of your analysis was done by November
10 2013?

11 A On the wholesale customers, yes.

12 Q But you didn't provide this report or the analysis to
13 the wholesale customers prior to May 4, 2014; is that
14 right?

15 A We provided the analysis for the wholesale customers
16 themselves to the wholesale customers that we met
17 with in February 2014.

18 Q How many demand studies has Trilogy done?

19 A We prepared the one for Milwaukee Water Works.

20 Q Would you recommend that the methodology you followed
21 in this study be used to develop demand factors for
22 other utilities?

23 A I believe it's a reasonable methodology, yes.

24 MS. KOBZA: That's all I have.

25 EXAMINER NEWMARK: Let's go off the record

1 for a minute.

2 (Discussion held off the record.)

3 EXAMINER NEWMARK: Okay. Let's get back
4 on. More cross?

5 MR. WILSON: No.

6 EXAMINER NEWMARK: Staff?

7 MS. SILVER KARSH: I just have a couple
8 quick questions for you.

9 CROSS-EXAMINATION

10 BY MS. SILVER KARSH:

11 Q Is there typically a relation between system peak day
12 and residential peak day demand?

13 A There does seem to be, yes, that the peak day for the
14 system typically occurs in the summer months and also
15 seeing that the highest demand for residential
16 customers that we sampled also occurred in the same
17 time period.

18 MS. SILVER KARSH: No further questions.
19 Thank you.

20 EXAMINER NEWMARK: Okay. We have
21 rebuttal? I'm sorry, redirect?

22 REDIRECT EXAMINATION

23 BY MR. MILLER:

24 Q Just to reiterate the question that Judge Newmark
25 asked.

1 A Uh-huh.

2 Q You were asked if this was a reasonable methodology
3 or would you recommend this methodology.

4 A Uh-huh.

5 Q Is this methodology that Trilogy used an improvement
6 over the data that is currently in place under the
7 2009-11 rate case?

8 A Yes. Absolutely. I think one of the major flaws
9 with the 1977 study that is -- was used to establish
10 the current ratios is that it looks at the average of
11 the individual customers within each customer class
12 rather than approximating the demand patterns of the
13 class as a whole, and what we found from monitoring
14 individual customers is that the ratios for
15 individual customers tend to be much higher than the
16 ratio of the class as a whole. When you add a group
17 of customers together that are peaking at different
18 times, that has a very strong muting effect on the
19 demand of the group as a whole, and the 1977 study
20 only looked at averages of individual customers.

21 MR. MILLER: No further questions.

22 EXAMINER NEWMARK: Okay. Thanks. You're
23 excused.

24 (Witness excused.)
25

1 MR. MILLER: Milwaukee Water Works calls
2 Erik Granum.

3 ERIK GRANUM, MILWAUKEE WATER WORKS WITNESS, DULY SWORN

4 EXAMINER NEWMARK: Okay.

5 DIRECT EXAMINATION

6 BY MR. MILLER:

7 Q Please state your name and business address.

8 A Erik Granum, 231 East Buffalo Street, Suite 306,
9 Milwaukee, Wisconsin.

10 Q And did you file or cause to be filed direct --
11 direct, rebuttal, and surrebuttal testimony in this
12 rate case proceeding?

13 A Yes, I did.

14 Q Did you file or cause to be filed Exhibits Granum 1
15 through 15 in this rate case proceeding?

16 A Yes, I did.

17 Q And if you were asked the same questions as asked in
18 your prefiled testimony today under oath, would your
19 answers be the same?

20 A Yes, they would.

21 Q Did you review the surrebuttal testimony filed by the
22 interveners and PSC staff?

23 A Yes, I did.

24 Q Do you have any responses to anything filed in the
25 surrebuttal testimony?

1 A No, I don't.

2 MR. MILLER: Okay.

3 EXAMINER NEWMARK: Cross-examination? Who
4 has questions?

5 CROSS-EXAMINATION

6 BY MS. KOBZA:

7 Q Mr. Granum, do you know anything more about the 185
8 customers that were sampled than what Ms. Cramer
9 testified about?

10 A Not without looking at the data in more detail.

11 Q But you could look at the data in more detail?

12 A I believe we have the addresses of the sampled
13 customers.

14 Q And you could determine how many of them came from
15 each one of these routes?

16 A We could.

17 Q After you reduced the sample size from 360 sample
18 sites to 185 sample sites, did Trilogy do anything
19 more to determine that the sample was representative
20 of the system as a whole?

21 A Well, we performed the analysis of the data that we
22 received, and during that analysis, we came to the
23 conclusion that it was representative of the
24 residential class as a whole.

25 Q And how did you do that if you don't have information

1 on the residential class as a whole?

2 A I think Ms. Cramer testified to this in her rebuttal
3 and in her testimony regarding the sample size, and
4 as more customers are added to the sample, there is
5 very little variability once there are a certain
6 number of customers within that sample. So adding
7 more customers would not provide much more
8 information.

9 Q And I'm not asking about customer size. I'm asking
10 about whether the customers are suburban customers
11 that have lawn watering versus, perhaps, central city
12 customers that don't have lawn watering.

13 A I see.

14 Q How do you determine that the sample size is
15 representative of the -- of the retail area as a
16 whole?

17 A We did not perform any additional analysis as to
18 whether the sample that we received was either
19 representative of or closely aligned with our
20 original sample of 360 customers or the other
21 characteristics that we measured in determining the
22 residential sample and the methodology of selecting
23 it.

24 Q Because you did -- you did do that analysis for the
25 360 customers to determine that it was

1 representative; is that correct?

2 A Yes.

3 Q And you thought it was important to do that?

4 A Yes, we did.

5 Q Then you did not do it, though, with the 185 sample
6 sites that were ultimately sampled?

7 A No, we did not.

8 EXAMINER NEWMARK: Can you explain why?

9 THE WITNESS: Well, there are, I guess,
10 two things. One, that we could not -- considering
11 the -- the issues with getting or attempting to get
12 the entire sample, the meters installed with those,
13 we were just using the best available data we could
14 get. In addition, once we actually performed the
15 analysis in reviewing the results, we did not think
16 it necessary to look further into that because of --
17 there was not so much variability in the quarterly
18 billing records that we viewed that would make a
19 much big difference with the -- what we found in our
20 results.

21 EXAMINER NEWMARK: Okay. But in terms of
22 planning the study, there's no threshold number,
23 it's just a raw number of meters you needed in your
24 mind? Was there -- if we had 50, would we keep
25 going with the study or would we re-evaluate?

1 THE WITNESS: I'm sorry, could you clarify
2 that question?

3 EXAMINER NEWMARK: Well, I mean, when
4 you're planning the study, what if only -- you're
5 only able to get 50 meters installed, would you have
6 gone back to the City and said this just isn't
7 enough, or would you perform the analysis and then
8 determine whether, you know, the study worked or
9 not?

10 THE WITNESS: We actually did perform the
11 analysis. You know, as it was over a number of
12 different time frames over two years or a year and a
13 half of sampling and collection, you know, with
14 preliminary results to determine that the number of
15 customers, while not perfect by any means, was
16 sufficient to -- to continue with the analysis.

17 EXAMINER NEWMARK: Uh-huh. Okay. More
18 questions?

19 MS. KOBZA: Hang on.

20 BY MS. KOBZA:

21 Q You mentioned the problems you had getting the
22 sample. Can you just go into that a little bit?
23 What -- I mean, you don't have to go into the
24 shipping was difficult, but did you have problems
25 installing the meters? Or explain that.

1 A Well, I did not install the meters myself, it was MWW
2 staff, so I don't know how much detail I can get into
3 with -- with that process.

4 MS. KOBZA: Nothing more.

5 EXAMINER NEWMARK: Okay. More cross?

6 MR. WILSON: No.

7 EXAMINER NEWMARK: Staff?

8 MS. SILVER KARSH: No questions.

9 REDIRECT EXAMINATION

10 BY MR. MILLER:

11 Q Based on the data that you obtained, does it matter
12 where the residents are from a geographic area?

13 A I don't believe so.

14 Q Why not?

15 A Because as more customers are added to the sample,
16 regardless of where they're from, once we have
17 enough, there is not going to be much variability in
18 the entire sample peak demand ratios as a whole as
19 more customers are added to that sample. It
20 doesn't -- regarding water use, it doesn't matter in
21 the geographic area.

22 Q And that was addressed in Ms. Cramer's rebuttal this
23 morning?

24 A Regarding sample size, yes.

25 MR. MILLER: No further questions.

1 EXAMINER NEWMARK: Okay. You're excused.

2 Thanks.

3 (Witness excused.)

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1 MR. MILLER: Milwaukee Water Works calls
2 Carrie Lewis.

3 CARRIE LEWIS, MILWAUKEE WATER WORKS WITNESS, DULY SWORN

4 DIRECT EXAMINATION

5 BY MR. MILLER:

6 Q Would you please state your name and business
7 address.

8 A Carrie Lewis, 841 North Broadway, Room 409,
9 Milwaukee, Wisconsin.

10 Q And did you file or cause to be filed direct,
11 rebuttal, and surrebuttal testimony in this rate case
12 proceeding?

13 A Yes, I did.

14 Q And did you file or cause to be filed Lewis 1 through
15 Lewis 23 in this rate case?

16 A Yes, I did.

17 Q If you were asked the same questions as posed in your
18 prefiled testimony today under oath, would your
19 answers be the same?

20 A They would.

21 Q Did you review the surrebuttal testimony filed by the
22 interveners -- by the intervener witnesses and PSC
23 staff?

24 A Yes.

25 Q And do you wish to respond to anything in that

1 surrebuttal?

2 A Yes, I would. I would like to address a couple of
3 Mr. Kaempfer's points on data accuracy, on
4 contractual language, and on fire protection.

5 Q Okay. What, if anything, do you wish to say in
6 response to Mr. Kaempfer's discussion of the accuracy
7 of flow metering results for Greendale?

8 A Mr. Kaempfer's surrebuttal, he discusses what he
9 calls meter inaccuracy on Greendale, and he gives two
10 examples. And Ms. Cramer talked about them a little
11 bit already, and she has provided in her -- I think
12 it was Exhibit 18, a demonstration that the graphs
13 that Mr. Kaempfer provided, one of them was
14 incorrect.

15 And Mr. Kaempfer's assertion was that the
16 two meters in the Greendale primary station are
17 operating in parallel and, therefore, they should
18 have identical flow rates. And I would like to point
19 out that in fact, although there are two meters,
20 there are different flow paths for the water to get
21 to those meters and, therefore, they are not expected
22 to show identical readings.

23 Q Okay. And do you have a document that would help to
24 explain that?

25 A Yes. I have a -- we have a drawing of the meter

1 configuration that was provided by the wholesale
2 customers.

3 Q Okay. And I'm showing you a document. Allow me to
4 distribute it. This is a document that we've labeled
5 Exhibit MWW-Lewis-24. Could you please explain what
6 this document is?

7 A Again, it's a drawing of the meter configuration in
8 the Greendale station, and if you hold it the long
9 way with the little north arrow pointed to the top of
10 the page, the pipe that sticks out through the --
11 through the building there is the inlet of the water
12 flow from Milwaukee's distribution system into the
13 Greendale station. And if you keep going straight,
14 it goes through one meter and into their system, but
15 there's also a sharp right angle and then another
16 right angle and another right angle, and the second
17 meter is in that different flow path. So the point
18 is they have two very different flow paths to the
19 meters, and one would not expect the meters to be
20 giving identical readings.

21 Q And this was a document provided to you -- that was
22 the fourth page of the document, but this was a
23 document provided to you in response to Milwaukee
24 Water Works' second discovery request?

25 A I think it's the third page to the discovery request.

1 Q Yeah, I'm counting the cover page.

2 A Fourth page to the attachment, yes.

3 Q Is there anything else you'd like to say on that
4 topic?

5 A Yes, there is. Thank you. I also have another
6 document that shows that not only these two meters,
7 but every pair of meters that has been in that
8 station in recent times displays the same usage
9 pattern, and I have an exhibit to support that as
10 well. Thank you.

11 Q And this is a document that we've labeled Exhibit
12 MWW-Lewis-25. So you --

13 A So the first graph that's in here is the monthly
14 consumption of both meters in 2013, and it shows the
15 same pattern that Mr. Kaempfer showed in one of his
16 graphs where meter number one is the blue one, and
17 it's recording a higher flow than meter number two,
18 which is the bottom one. So that's the current
19 meters in 2013. Page 2 is the current meters in
20 2012, and you can see that there's also a difference
21 in the water that goes through those meters.

22 If you go to the third page, it is the
23 pair of meters that were installed previous to the
24 two that are in there. And again, the same patterns
25 persist. And if you go back to 2003 and 2004, the

1 meter that -- the pair of meters that was in prior to
2 those also have the same pattern. So the meters are
3 not inaccurate. They're reading differently because
4 there's a physical reason for that.

5 MR. MILLER: Okay. And we would ask that
6 both exhibits MWW-Lewis-24 and MWW-Lewis-25 be
7 admitted into the record.

8 EXAMINER NEWMARK: Is there any
9 objections?

10 MS. SILVER KARSH: No.

11 EXAMINER NEWMARK: I just had a comment on
12 24. I'm assuming that that document is in ERF,
13 that's the data request response. So if we could
14 use the --

15 MR. MILLER: I think that may have come in
16 later in the day.

17 MS. KOBZA: It was, yeah, yesterday at
18 4:00 or something.

19 MR. MILLER: Yeah.

20 EXAMINER NEWMARK: Well, when it does come
21 up on ERF, can you just use a copy of that document
22 so we'll have the file date on there. Then you can
23 put the cover page on top of that, and you'll get
24 your new number for the actual exhibit.

25 MR. MILLER: In submitting the paper

1 copies or in filing it on ERF?

2 EXAMINER NEWMARK: Yeah, I think we can go
3 off the record.

4 (Discussion held off the record.)

5 EXAMINER NEWMARK: Okay. So no objection,
6 so that's in the record.

7 (Exhibits Lewis 24 - 25 marked and received.)

8 BY MR. MILLER:

9 Q What, if anything, do you wish to say in response to
10 Mr. Kaempfer's reference -- surrebuttal reference to
11 the New Berlin and Greendale water service
12 agreements?

13 A With respect to the New Berlin contract, Mr. Kaempfer
14 suggests that the reason that there's an excess
15 demand charge in that contract is to protect
16 Milwaukee Water Works' distribution system. In fact,
17 the reason that there's an excess demand charge in
18 that contract is to discourage excess development in
19 New Berlin, and that was the City's way to measure
20 that.

21 And I would also like to point out that
22 there is a clause also in that contract that allows
23 any water that would be used for fire flow that came
24 through Milwaukee's meters to be forgiven and not
25 charged toward that excess demand charge, and that is

1 a clear indication that New Berlin is anticipating
2 the provision of fire flow capacity from Milwaukee
3 Water Works.

4 Q And any response to the discussion of the Greendale
5 water service agreement in Mr. Kaempfer's
6 surrebuttal?

7 A In his surrebuttal he talks about the contractual
8 language which says that Milwaukee guarantees
9 instantaneous accurate flow of not less than 525 --
10 or 5.25 million gallons per day, and he seems to
11 infer that that's a maximum, and it is clearly a
12 minimum amount of capacity that is guaranteed
13 reserved for Greendale.

14 Q What, if anything, do you wish to say in response to
15 Mr. Kaempfer's surrebuttal reference regarding the
16 lack of a guarantee to provide fire flow rates to
17 Greendale?

18 A I would say that in -- as for each of our suburban
19 contracts, not having a guarantee in the contract
20 does not equate to fire flow capacity being
21 unavailable. In fact, Milwaukee Water Works has
22 designed, operated, and maintained our system to
23 enable fire flow capacity to be available at every
24 connection point for every wholesale customer, and
25 that is something that we think is -- is part of our

1 obligation to serve them. It is -- it's not
2 something that we have considered optional, and it is
3 something that we believe is essential to those
4 communities being able to fight fire. It's not just
5 about how much water you have in your storage tank
6 when a fire breaks out. If there was a need,
7 Milwaukee Water Works would take whatever measures
8 were necessary to provide as much water as those
9 communities needed for emergency response purposes.

10 Q And why doesn't Milwaukee Water Works guarantee the
11 flow rate?

12 A We don't specifically guarantee that in the contracts
13 because we don't have control over how those systems
14 choose to design, to operate, or to maintain their
15 systems. We don't have any control over the land use
16 decisions that they make for construction and
17 development in their communities. So we can't be
18 absolutely sure what's going to happen on their side
19 of their borders, but we clearly maintain the
20 capacity, and we maintain our system to be able to
21 get that water to them on a moment's notice.

22 Q What benefit do the wholesale customers derive from
23 Milwaukee Water Works investing in that capacity to
24 deliver -- to deliver fire flow?

25 A The wholesale communities benefit from having that,

1 if you want to call it, an insurance policy
2 available. We are there when they need us. We will
3 get them that water, and it is at a cost to us that
4 we maintain that capacity. We have things sized and
5 replaced at a capacity to be able to -- sorry --
6 deliver that water.

7 MR. MILLER: No further questions.

8 EXAMINER NEWMARK: All right.

9 Cross-examination.

10 CROSS-EXAMINATION

11 BY MS. KOBZA:

12 Q Prior to hiring Trilogy to do the demand study, did
13 Milwaukee meet with PSC staff to discuss the demand
14 study?

15 A After the -- the 2009 to '11 rate case, we had a
16 meeting with PSC staff to review sort of some of the
17 lessons learned, if you would, from that rate case
18 and how things could be improved going forward, and
19 the lack of a modern customer demand study was
20 identified as a gap. We also -- yes, so we did.

21 Q And did you get any input from the PSC staff on what
22 that demand study should look like?

23 A I don't believe so.

24 Q Were you involved in the selection of the residential
25 retail customers for sampling?

1 A I was not.

2 Q Did you direct someone from Milwaukee Water Works'
3 staff to be involved in that?

4 A Yes. Our meter services manager provided information
5 to Trilogy that they needed.

6 Q And what kind of information was that?

7 A Meter sizes, meter locations, what type of meter was
8 in a particular premise, how the new meters, if
9 needed, would be obtained and installed and
10 programmed to deliver the data that Trilogy needed to
11 do their analyses.

12 Q Did they provide information on the -- whether the
13 property was located in an area that was densely
14 populated or less densely populated?

15 A They provided the meter routes that you saw on the
16 map that you discussed earlier.

17 Q Could you take a look at that map? Do you have a
18 copy of it?

19 A I do. Thank you.

20 Q Based on your knowledge of the Milwaukee retail
21 system in the area, can you give us any broad
22 description of what these different areas would look
23 like, whether they're more suburban, whether they're
24 densely populated?

25 A Well, you can get a bit of a sense of that by -- I

1 guess by looking at the size of each area. If you
2 can think back to a dozen years ago when 26 people
3 used to walk around on their feet and read individual
4 meters, each one of these blocks is a meter reading
5 route that was designed to be optimized for feet. So
6 the larger areas would have fewer numbers of
7 dwellings that were also more likely to have people
8 at home when the meter reader would go around, and
9 the smaller ones are more densely populated with more
10 difficult access.

11 Q Could you describe some of the challenges that
12 Milwaukee Water Works faced in metering the selected
13 sample sites?

14 A Well, I could. Some of them were related to actually
15 procuring the meters themselves for installation.
16 There were various hiccups that the manufacturer had
17 that the supply wasn't coming in in time for us to
18 get them in as quickly as we wanted to. There's
19 always a difficulty in getting access to a premise to
20 go into a basement to do meter work of any kind in
21 today's world. The meters had to be programmed
22 specially so that we could collect the data for
23 Trilogy because the devices would only hold a certain
24 number of days' worth of data. Our quarterly billing
25 cycle was different than what those meters would

1 read, and our billing system was -- was not very
2 friendly about taking these sort of unusually timed
3 readings, it wanted to bill on that. So we had some
4 workarounds to do to get the data available, and then
5 we had to go to each one of the premises every 40 --
6 35, plus or minus five days, to actually download the
7 data.

8 Q Were there special meters used for these properties
9 that were different than what Milwaukee was using for
10 other customers?

11 A It's -- they're the meters that we're using in our
12 new automatic meter reading program, so these were
13 just the earlier -- some of the earlier ones that
14 were installed.

15 Q So now with Milwaukee's new meter reading program,
16 would you have more opportunities to be able to meter
17 residential customers?

18 A But not on the hourly basis and daily basis that was
19 required with the demand study, no. Not without
20 additional special programming.

21 Q So just describe for me the type of programming that
22 would be needed in order to do this -- collect this
23 data.

24 A I only have a very high level understanding of that,
25 and the difference is that the normal programming for

1 the meters is designed for a drive-by quarterly to
2 pick up a single meter reading from the device, and
3 that is what the devices are programmed for in the
4 normal course of business.

5 In order to do the Trilogy study, there
6 was some additional, literally, computer programing
7 that had to be done to teach this device to hold
8 hourly, or whatever the frequency was, readings for a
9 certain number of days, and 40 was the max -- is the
10 maximum number of days that it could hold that
11 frequency of data without erasing it or writing over
12 itself, and we could not use the drive-by system
13 because then the billing system wanted to use that
14 data and issue bills. So we also had to program some
15 hand-held devices for people to manually go and do
16 the readings.

17 Q And for the people to manually do those readings,
18 were they able to do it from the outside --

19 A Yes.

20 Q -- of the residence?

21 A Yes.

22 Q So they didn't need to get access to people's
23 basement?

24 A No. Once the meter was installed, it was from
25 outside.

1 Q Given that these new meters are -- have been
2 installed or are being installed, do you think it
3 would be easier to collect that data in the future
4 for residential customers than it was in this last
5 demand study?

6 A Perhaps. They still would have to be specially
7 programmed, and it still would have to be a special
8 effort to go out and get the readings and do the data
9 analysis.

10 Q But getting into the basements to change out those
11 meters, that wouldn't be a holdup anymore?

12 A That's a holdup every single day of our job, Lawrie.
13 So, no, that's not going to get any easier. In fact,
14 that's probably going to be harder because we've
15 already done the easy ones.

16 Q Uh-huh. But to sample the ones where the meters have
17 already been changed out, you would have to do the --

18 A Which means we would have to get back into the
19 basements again.

20 Q You have to get into the basement to do the
21 reprogramming?

22 A Yes, on the device itself.

23 Q Do you know -- or does the Milwaukee Water Works know
24 the 185 customers that were sampled for the study?

25 A Someone does, yes.

1 Q Would Milwaukee Water Works have the annual water
2 usage for those 185 customers?

3 A Yes.

4 Q So that would be something you could provide if you
5 were requested?

6 A Yes.

7 MR. MILLER: With the objection, again,
8 the customer demand study was provided in I
9 believe -- I think the statement in the record was
10 that it was provided with Christine Cramer's direct,
11 but actually it was provided in response to a data
12 request from the PSC staff in advance of the
13 hearing. I mean, in advance of the direct
14 testimony. I think this line of questioning is
15 information that -- there were a lot of data
16 requests in this case in a very short time frame,
17 but it could have been addressed so that it got a
18 full proper airing. I think that time has now
19 passed.

20 EXAMINER NEWMARK: Okay. I'll note your
21 objection, but she hasn't asked for anything yet so
22 we'll see where we go.

23 BY MS. KOBZA:

24 Q If the Commission decided it would be worthwhile for
25 it to look at those 185 -- annual water usage for the

1 185 water customers, I presume Milwaukee would be
2 more than willing to provide it?

3 A Yes.

4 Q Milwaukee charges each wholesale customer for the
5 total volume of water delivered to it; isn't that
6 correct?

7 A Yes.

8 Q Milwaukee doesn't provide a credit or reduce its
9 charges to the wholesale customer for water used by
10 the wholesale customers in flushing its main, does
11 it?

12 A No.

13 Q And it doesn't provide a credit or reduce its charge
14 to the wholesale customers for water lost by the
15 wholesale customers as a result of main breaks, does
16 it?

17 A It would to New Berlin if that was reported to us.
18 It would defuse that excess demand charge if it
19 caused them to trip that.

20 Q But other than defusing the excess demand charge, you
21 charge for every gallon of water that would be lost
22 in a main break in Wauwatosa, for example?

23 A Correct. I don't believe that the use of the water
24 affects the -- our cost to treat it or deliver it.

25 Q Does -- who pays for the cost of the water that's

1 lost in a main break in Milwaukee?

2 A Are you asking me if it's billed to anyone
3 specifically?

4 Q Yes.

5 A It is not.

6 Q It's not?

7 A It is not billed to anyone specifically.

8 Q But for a wholesale customer, it is billed to
9 someone, the wholesale customer?

10 A It's billed to the wholesale customer's meter, yes.

11 Q All water used to fight a fire in a wholesale
12 customer goes through the wholesale meter first,
13 correct?

14 A Unless they have their own wells that they're able to
15 use, yes.

16 Q So if Milwaukee's providing water to a wholesale
17 customer to fight a fire, the wholesale customer is
18 paying for all the water used to fight the fire?

19 A That's a volumetric rate that applies to that water
20 also, yes.

21 Q In Milwaukee, if water is used to fight a fire, is
22 anyone charged for that water?

23 A It's not billed to any specific account.

24 Q In Milwaukee, if water is used to flush a
25 distribution main, how -- is that billed to any

1 account?

2 A No.

3 Q Looking at the demand study and the charts on -- it's
4 pages 55, 56, which are the wholesale customers'
5 water usage.

6 MR. MILLER: Let's get a copy in front of
7 Ms. Lewis.

8 MS. KOBZA: Yeah.

9 MR. MILLER: Can you repeat the page
10 number you were directing Ms. Lewis?

11 MS. KOBZA: Just page 55, for example.

12 THE WITNESS: I see it.

13 BY MS. KOBZA:

14 Q Looking down on the November 2013, December 2013
15 where there's no total volume number; is that right?

16 A There is, yes, you're right.

17 Q Okay. Does Milwaukee have those total numbers in
18 this example on page 55 for Brown Deer for November
19 2013 and December 2013?

20 A I believe we provided them to you in response to a
21 request yesterday.

22 MS. KOBZA: That's exactly where I was
23 going. I don't have a nice cover page yet. I
24 apologize.

25 BY MS. KOBZA:

1 Q Does this provide -- does this response provide
2 information for November 2013 and December 2013 for
3 Milwaukee Water Works' metering data for each of the
4 wholesale customers?

5 A It does. And I would point out that it is a
6 different source of data than the customer demand
7 study data, I believe.

8 Q Explain that.

9 A The customer demand study data I believe comes from
10 SCADA readings from the actual meters, and this is a
11 billing query as opposed to an actual usage query.
12 So they may be not perfectly congruent.

13 Q Would they be very close?

14 A I wish I would know that, but I don't.

15 Q Presumably Milwaukee doesn't bill for the water then?

16 A Yes. But the 30 day months that may be used in the
17 customer demand study may not be the same 30 day
18 exact periods for billing because we would only do
19 readings for billing on workdays. So if the end of a
20 month happened on a weekend, they might not be
21 perfectly corresponding.

22 MS. KOBZA: Okay. I would ask that this
23 be marked as an exhibit.

24 EXAMINER NEWMARK: Lewis 26.

25 (Exhibit Lewis 26 marked for identification.)

1 MS. KOBZA: That is all I have.

2 EXAMINER NEWMARK: All right. And you
3 would like to move that into the record as well?

4 MS. KOBZA: Oh, yes, I will.

5 EXAMINER NEWMARK: All right. Any
6 objection?

7 MR. MILLER: No objection.

8 EXAMINER NEWMARK: It's in.

9 (Exhibit Lewis 26 received.)

10 EXAMINER NEWMARK: Other questions?

11 MS. SILVER KARSH: I have one quick
12 question for you.

13 CROSS-EXAMINATION

14 BY MS. SILVER KARSH:

15 Q One of the issues in this docket is the -- whether or
16 not economic development rate or EDR should be
17 developed, and I understand that you received a data
18 request from Commission staff regarding whether or
19 not there had been any inquiries. Could you please
20 elaborate a little bit whether or not Milwaukee Water
21 Works has received any interest from customers about
22 an EDR?

23 A I don't remember the time period that the staff
24 requested, whether or not there had been any
25 inquiries, but during the time period that they

1 requested, or that you requested, and since then,
2 there have been no inquiries whatsoever for an
3 economic development rate.

4 MS. SILVER KARSH: Okay. Thank you very
5 much.

6 EXAMINER NEWMARK: Just as a quick
7 follow-up, could you just state succinctly what
8 Milwaukee Water Works' position is on the EDR.

9 THE WITNESS: Yes, I could. Succinctly is
10 Milwaukee Water Works does not wish to have an
11 economic development rate as part of our tariff.

12 EXAMINER NEWMARK: Okay. Redirect.

13 MR. MILLER: Actually, I have no redirect.

14 EXAMINER NEWMARK: Okay. All right.

15 You're excused. Thanks.

16 (Witness excused.)

17 EXAMINER NEWMARK: Let's go off the
18 record.

19 (Discussion held off the record.)

20 (Break taken from 11:52 p.m. to 12:08 p.m.)

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1 EXAMINER NEWMARK: Who's next?

2 MR. MILLER: Milwaukee Water Works calls
3 Patrick Pauly.

4 EXAMINER NEWMARK: All right.

5 PATRICK PAULY, MILWAUKEE WATER WORKS WITNESS, DULY SWORN

6 DIRECT EXAMINATION

7 BY MR. MILLER:

8 Q Would you please state your name and business
9 address.

10 A Patrick Pauly, 841 North Broadway, Milwaukee,
11 Wisconsin 53202.

12 Q Did you file or cause to be filed rebuttal testimony
13 in this rate case proceeding?

14 A Yes.

15 Q And did you file or cause to be filed Exhibit
16 MWW-Pauly-1?

17 A Yes.

18 Q If you were to be asked the same questions as were
19 posed in your prefiled testimony today under oath,
20 would your answers be the same?

21 A Yes.

22 Q Did you review the surrebuttal testimony filed by the
23 intervener witnesses and the Public Service staff
24 commission witnesses?

25 A Yes.

1 Q And do you wish to respond to anything in
2 Mr. Kaempfer's surrebuttal testimony?

3 A Yes.

4 Q How do you respond to Mr. Kaempfer's criticism of
5 your testimony regarding the presence of flow control
6 devices at the wholesale customer connections other
7 than Greendale?

8 A Mr. Kaempfer questioned why I only described the flow
9 controls at the two Greendale secondary supply
10 points, and the reason for that is because those are
11 the only two locations that the Milwaukee Water Works
12 limits the flow rate to the wholesale communities.
13 At all other locations, Milwaukee Water Works does
14 not limit the flow rate to the wholesale communities,
15 and per Mr. Kaempfer's testimony, the flow rate at
16 those locations is limited by the capacity of the
17 flow control devices that the wholesale communities
18 chose to install.

19 Q Okay. What response, if any, do you have to
20 Mr. Kaempfer's testimony regarding the purpose served
21 by the flow limiting devices at those two secondary
22 connections in Greendale?

23 A Mr. Kaempfer discusses the reason for the flow
24 control devices being installed initially. My answer
25 pertained to why they are still in service and how

1 the flow limits are used.

2 Q And how are they used currently?

3 A The flow limits are in place to ensure that the
4 primary connection at 60th and Edgerton remains the
5 primary supply point to Greendale. They're also in
6 place to ensure that pressures are maintained on the
7 Milwaukee Water Works side of the connection points.

8 Q Do they -- is there --

9 A There --

10 Q Is there a purpose there to limit the overall flow
11 provided by Milwaukee Water Works?

12 A No, there is not. The -- there are -- there's no
13 aggregate limit on the flow Milwaukee Water Works
14 provides to Greendale.

15 Q Mr. Kaempfer in his surrebuttal says he's seen no
16 data from Milwaukee that indicates that Milwaukee
17 Water Works can meet max day demand plus fire flow
18 for each customer. Can Milwaukee Water Works provide
19 max day plus fire flow for each customer?

20 A Yes.

21 Q And what data do you have to support that assertion?

22 A I've prepared a document I would like to discuss.

23 Q This is a document that we've marked Exhibit
24 MWW-Pauly-2 on the cover page. Turning to the second
25 page, could you describe this document?

1 A This is a list of all wholesale customers, the
2 location of their meters, and then the third column
3 is the pertinent flow test performed by the Milwaukee
4 Water Works' staff on -- out in the field. The flows
5 in gallons per minute and millions gallons per day
6 are calculated down into a residual pressure of 20
7 pounds per square inch in the Water Works' system,
8 and it shows that Milwaukee Water Works has the
9 hydraulic capacity to provide fire flow plus max day
10 demand to all wholesale customers.

11 In addition, using hydraulic modeling, we
12 were able to confirm that the Water Works has the
13 hydraulic capacity to provide the max day plus fire
14 flow during Milwaukee Water Works' retail max day
15 scenario.

16 Q Okay. Do you have any further comments you'd like to
17 make in response to surrebuttal?

18 A No.

19 MR. MILLER: No more questions.

20 EXAMINER NEWMARK: Cross-examination.

21 MS. KOBZA: No questions.

22 MR. WILSON: No.

23 MS. SILVER KARSH: No questions.

24 EXAMINER NEWMARK: Sir, I just wanted to
25 point out something on your exhibit. There 's an

1 asterisk and it points to Menomonee Falls and
2 Butler. It talks about a pump setting. Can you
3 explain that?

4 THE WITNESS: Correct. The numbers will
5 show for Menomonee Falls and Butler that when the
6 tests were ran, the available flow did not surpass
7 the max day plus fire flow for those two
8 communities, but the caveat is that we instruct our
9 operations staff not to adjust pump settings during
10 our fire flow testing. So in the instance of a fire
11 flow emergency, our operations staff would adjust
12 the pump settings to compensate for that demand.

13 EXAMINER NEWMARK: Okay. Great. Thanks.

14 All right. Well, any objections to
15 Pauly 2?

16 MS. KOBZA: Yes.

17 EXAMINER NEWMARK: Okay.

18 MS. KOBZA: This was an issue that was
19 addressed in Mr. Pauly's rebuttal testimony. This
20 information could have and should have been provided
21 then as part of the rebuttal testimony, in which
22 case we would have had I guess a week and a half to
23 review this and determine whether -- the accuracy
24 and allow me to cross-examine Mr. Pauly on this. We
25 have no way of knowing whether this is accurate and

1 haven't had the ability to be able to check that.
2 It should have come in at rebuttal testimony.

3 EXAMINER NEWMARK: Okay.

4 MR. MILLER: The document was presented in
5 direct response to Mr. Kaempfer's assertion in the
6 surrebuttal that he had seen no data. It was -- he
7 had been asked the question about whether Milwaukee
8 Water Works has -- whether he agrees that Milwaukee
9 Water Works has the capacity, so we're providing it
10 to the Commission to assist the Commission in
11 determining that question.

12 Ultimately this is an issue where the
13 current -- or the previous rate case assigned public
14 fire protection to all customers. The wholesale
15 customers have put forth arguments why they should
16 not pointing -- not be allocated public -- public
17 fire protection, pointing to the Franklin case, and
18 we believe that was an issue for -- for the
19 wholesale customers to prove up, but we have
20 responded in this surrebuttal testimony,
21 particularly given the quick time -- turnaround time
22 for the stages of testimony.

23 I would also add that Mr. Kaempfer himself
24 added testimony in his rebuttal, the community, I
25 think it was Mequon, that had not been addressed in

1 his direct testimony, but in light of the judge's
2 discussion at the prehearing conference and in the
3 prehearing conference memo, we understood that the
4 tight time frames could result in parties needing
5 to -- to supplement their responses through the
6 prefiled testimony stages.

7 EXAMINER NEWMARK: Okay. What
8 particular -- where are you responding to? It's
9 Mr. Kaempfer's surrebuttal? What page are you -- or
10 question are you looking at?

11 MR. MILLER: Page 3 of Kaempfer's
12 surrebuttal, lines 1 through 5. Mr. Kaempfer
13 specifically puts this question into play where he
14 says, Mr. Pauly was asked if MWW can provide max day
15 plus fire for each wholesale customer. Mr. Pauly
16 answered yes. Do you agree with Mr. Pauly? And
17 then the answer is, I've seen no data from Milwaukee
18 that indicates they can provide maximum day plus
19 fire for each customer. We're responding to that
20 surrebuttal.

21 EXAMINER NEWMARK: Do you have any more
22 comments on this? (No response.)

23 Okay. Well --

24 MS. KOBZA: I don't know how we are
25 supposed to be able to respond to this type of data

1 offered at the date of hearing, how I can possibly
2 respond with my witnesses. It seems very
3 prejudicial.

4 EXAMINER NEWMARK: Okay. Go ahead.
5 Anything else? (No response.)

6 Well, the Pauly -- Rebuttal-Pauly-3, the
7 assertion is made that Milwaukee's system has the
8 capacity, but was there a basis for that statement
9 before when it was made in rebuttal? Why is the
10 proof coming in on sur-surrebuttal?

11 MR. MILLER: Again, I point back to the
12 short time frames. Mr. Pauly was not a witness for
13 the Milwaukee Water Works in direct testimony, but
14 we think that this ultimately assists the Commission
15 with getting to the -- with getting to the question
16 about whether Milwaukee Water Works has the
17 capacity.

18 EXAMINER NEWMARK: I guess, you know, it's
19 problematic that the proof comes in at this time
20 because it really should have come in on rebuttal,
21 make an assertion that you have the capacity, here's
22 the numbers, and then the wholesale customers can
23 look at it. It seems to me that this kind of study
24 could be done pretty quickly because it was done
25 quickly after surrebuttal, so there really was no

1 reason why it couldn't have been done for the
2 rebuttal -- for preparation of the rebuttal.

3 The quandary I have is that what exactly
4 can be questioned about this? We're not going to
5 test it. The wholesale customers, would they be
6 able to test this themselves? Is that something
7 that could be a potential response to wholesale --

8 MS. KOBZA: How can I know? I haven't had
9 a chance to show this to our consultants. I can't
10 even answer that question.

11 EXAMINER NEWMARK: Uh-huh.

12 MS. KOBZA: And I guess I would say that
13 the attorney for Milwaukee has said a number of
14 times when I asked about additional information,
15 that should have been done earlier, there was plenty
16 of time earlier. I think there were two items that
17 I asked about where those statements were made, and
18 yet this comes in now and the contention is, well,
19 it was a tight time frame. I agree it was a tight
20 time frame for both of us, so I would just ask that
21 we be consistent.

22 EXAMINER NEWMARK: Okay. Well, I'm going
23 to sustain the objection for that reason so we'll
24 keep that out.

25 All right. Anything else for Mr. Pauly?

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MR. MILLER: I have no --

EXAMINER NEWMARK: Okay. And we have
cross?

MS. KOBZA: No questions.

EXAMINER NEWMARK: No cross, all right.
Okay. Thanks. You're excused.

(Witness excused.)

1 MR. MILLER: Milwaukee Water Works calls
2 John Wright.

3 JOHN WRIGHT, MILWAUKEE WATER WORKS WITNESS, DULY SWORN

4 EXAMINER NEWMARK: Okay.

5 DIRECT EXAMINATION

6 BY MR. MILLER:

7 Q Would you please state your name and business
8 address.

9 A John Wright, 12835 East Arapahoe Road, Tower II,
10 Suite 600, 80112.

11 Q And did you file or cause to be filed direct,
12 rebuttal, and surrebuttal testimony in this rate
13 case?

14 A I did.

15 Q And did you file or cause to be filed exhibits
16 Wright 1 through Wright 12 in this proceeding?

17 A I did.

18 Q If you were asked the same questions as were asked in
19 your prefiled testimony today under oath, would your
20 answers be the same?

21 A They would.

22 Q Did you review the surrebuttal testimony filed by the
23 interveners and PSC staff?

24 A Yes, I did.

25 Q And actually before -- well, do you have any

1 responses that you plan to give to the surrebuttal
2 testimony?

3 A I have one clarification and one response that I
4 would like to give.

5 Q Okay. What I'd like to do is, first, you were here
6 for the -- for Judge Newmark's request to clarify the
7 statement in Wright rebuttal, page 11, regarding the
8 last rate case transmission and distribution
9 question.

10 A I was here for that.

11 Q Okay. And I believe that Judge Newmark was drawing
12 your attention to line 18 there which -- which says,
13 however, because Milwaukee Water Works did not
14 sponsor a cost of service study, it had no ability to
15 render an objection on the issue.

16 Were you implying that there was a legal
17 impediment to Milwaukee objecting to the change in
18 T&D allocation, or could you please clarify?

19 A I was -- after rereading that sentence, I can see how
20 it can be inferred that I was implying that there was
21 some legal prohibition against Milwaukee being able
22 to object. In truth what I was attempting to say was
23 that because Milwaukee Water Works did not sponsor
24 its own cost of service study in the last rate case,
25 and staff prepared that cost of service study as well

1 as the rate design, that my inference is that
2 Milwaukee Water Works was somewhat limited in its
3 ability to question the wisdom of staff on various
4 issues, in particular the allocation of mains between
5 the transmission and distribution function.

6 Q Okay. Were you present for the cross-examination of
7 Mr. Brandt this morning?

8 A I was.

9 Q Okay. Mr. Brandt was asked about how public fire
10 protection is handled on a national basis. Have you
11 previously provided cost of service studies?

12 A I've previously --

13 Q Sponsored, sorry.

14 A I previously performed approximately 10 cost of
15 service studies, and I would like to respond as it
16 relates to the question that was asked of Mr. Brandt,
17 and this also gets to a response I wanted to make to
18 the testimony of Mr. Rothstein in his surrebuttal.
19 And the issue is, is whether or not this commission
20 is applying cost of service methodologies that differ
21 from those that are used on a national basis in
22 general.

23 And I do agree with Mr. Brandt that
24 probably it is less common to allocate public fire
25 protection costs to wholesale customers when looked

1 at on a national basis. However, it's important to
2 note, number one, that the fact that the Wisconsin
3 Public Service Commission has traditionally allocated
4 wholesale public -- or public fire protection cost to
5 wholesale customers is not necessarily a defect on
6 the part of the Wisconsin Public Service Commission.
7 Specifically I think it can be argued that the
8 Commission here in Wisconsin takes this
9 responsibility for economic regulation for municipal
10 utilities very seriously and, therefore, has
11 traditionally allocated public fire protection costs
12 to wholesale customers because it wishes to make sure
13 that costs are appropriately allocated to those
14 customers who cause costs. And the fact that this
15 may not be done generally on a national basis only in
16 my opinion states that perhaps Wisconsin is using a
17 more detailed and sophisticated approach to cost of
18 service studies.

19 Now as it relates to counsel for the
20 wholesale customer group and the questioning of
21 Mr. Brandt, I think what I would note is, is that
22 there are, I believe, approximately six states that
23 regulate municipal water utilities from an economic
24 regulation perspective in terms of setting rates. It
25 is quite possible that each one of those states has a

1 unique set of cost of service as well as rate design
2 and revenue requirement procedures that may be
3 slightly different from what is commonly used for
4 nonregulated utilities, and that's because each state
5 may have a unique set of precedence and policies that
6 have evolved over the decades.

7 And so the fact that I or Mr. Brandt have
8 not done a cost of service study where public fire
9 protection costs were allocated to wholesale
10 customers does not invalidate the point that this as
11 well as a lot of other cost of service study issues
12 may be unique to public service commissions
13 throughout the country.

14 Q Do you have any statements that -- any responses you
15 would like to give in response to surrebuttal
16 testimony of any of the intervener witnesses?

17 A I would like to clarify something that came up in
18 Mr. Andrew Behm's surrebuttal testimony on behalf of
19 the wholesale customers group. What I would like to
20 clarify is Milwaukee Water Works' position to the use
21 of the inch feet methodology for the allocation of
22 cost of the transmission and distribution functions.

23 And I would like to make clear that
24 Milwaukee Water Works is arguing that
25 utility-financed plant as well as a depreciation

1 associated with that plant should be allocated on an
2 inch feet basis. Milwaukee Water Works is not
3 arguing that O&M costs should be allocated on an inch
4 feet basis. We allocate O&M costs in the cost of
5 study on linear feet, and if there was anything in my
6 testimony that created the impression that we were
7 arguing for the allocation of O&M on inch feet, I
8 want to make clear that that's not the case.

9 I also want to note that in my rebuttal
10 testimony which Mr. Behm responded to, I described
11 the fact that in my opinion newer vintage assets, in
12 this case distribution mains, have lower maintenance
13 and repair costs, whereas older vintage distribution
14 mains would have higher maintenance and repair
15 costs.

16 Now one way that one can interpret my
17 commentary regarding maintenance and repair costs is
18 that I'm talking about O&M, but it's important to
19 note that there are some costs that can be incurred
20 during the normal maintenance and repair process
21 that do and need to be -- do and need to be
22 capitalized.

23 So, for example, let's say the Milwaukee
24 Water Works is performing maintenance on the valves
25 associated with a particular run of distribution

1 main. It's quite conceivable that as part of that
2 maintenance process, Milwaukee Water Works discovers
3 a faulty valve, in which case at least the cost of
4 that valve, as I currently understand it, would be
5 capitalized as an asset and would then fall under
6 our proposal for using inch feet as an allocator as
7 capital related costs, and so I just want to make
8 that clarification as well.

9 Q Do you have any other responses you would like to
10 make to surrebuttal testimony?

11 A I do not.

12 MR. MILLER: No further questions.

13 EXAMINER NEWMARK: All right.

14 Cross-examination?

15 MS. KOBZA: No questions.

16 EXAMINER NEWMARK: No.

17 MR. WILSON: A few.

18 CROSS-EXAMINATION

19 BY MR. WILSON:

20 Q Mr. Wright, I'm Joe Wilson on behalf of MillerCoors.
21 Mr. Wright, you provided surrebuttal testimony about
22 MillerCoors' suggestion that it and other large
23 industrial customers should be relieved of the cost
24 of smaller distribution mains, correct?

25 A Correct.

1 Q And you cited to the Commission's decision in the
2 last Milwaukee Water Works rate case where the
3 Commission decided that smaller mains provide system
4 redundancy and backup supply to large industrial
5 customers; is that right?

6 A I did.

7 Q And you testified that you agreed with the Commission
8 on that point?

9 A Yes.

10 Q You also attached to your testimony as Exhibit 11
11 Mr. Behm's testimony on this issue from that last
12 rate case; is that right?

13 A I did.

14 Q And do you agree with Mr. Behm's testimony in that
15 last rate case on this point?

16 A I did at the time I wrote my testimony.

17 Q Okay. Would you agree then that customers that are
18 served by large pipes but receive a redundancy or
19 backup benefit from smaller lines should share in the
20 cost of those lines?

21 A I believe that they should share in the cost of those
22 smaller lines.

23 Q Do wholesale customers also receive redundancy and
24 backup supply benefits from smaller distribution
25 mains?

1 A I'm going to preface my response by noting that I'm
2 certainly not an engineer and not someone who really
3 understands the system operations at a detailed
4 level, but presumably wholesale customers do receive
5 some benefit from the Milwaukee Water Works' system
6 as a whole, even including those distribution lines,
7 those smaller distribution lines, but that would be
8 something that I think Milwaukee Water Works'
9 engineering expert would probably better testify
10 upon.

11 MS. KOBZA: I'm going to object to this
12 line of questioning. It was not something that was
13 covered in Mr. Wright's surrebuttal testimony
14 regarding wholesale customers. It certainly wasn't
15 anything offered by Miller Brewing with regard to
16 wholesale customers.

17 MR. WILSON: It's drawing an analogy to
18 testimony that he had in his surrebuttal testimony.

19 EXAMINER NEWMARK: Yeah. Overruled.

20 BY MR. WILSON:

21 Q Wholesale customers don't have to pay for Milwaukee
22 Water Works' distribution system, do they?

23 A Wholesale customers are allocated a portion of
24 Milwaukee Water Works' system costs, and I believe
25 that what wholesale customers are allocated are base

1 system costs as well as system max hour and max day
2 costs. To the extent that there are utility-financed
3 mains, which are -- we pay a rate of return on as
4 well as depreciation expense recovery, it's possible
5 that some of those costs are allocated in some way to
6 wholesale customers.

7 Q And as a general policy matter, is it your
8 understanding that wholesale customers are not
9 allocated a portion of mains that are 12 inches or
10 smaller?

11 A You're right. Mains that are 12 inches or smaller
12 are considered distribution on the Milwaukee Water
13 Works' system from a cost allocation perspective.

14 Q All right. And those -- the cost of those mains is
15 not allocated to wholesale customers; is that right?

16 A I would need to verify that before giving you an
17 answer that I feel comfortable with.

18 Q But is it your understanding that as a matter of
19 policy, the mains that are -- or distribution mains
20 are not allocated to wholesale customers?

21 A That -- I believe that's definitely the case because
22 they're not taking advantage of Milwaukee Water
23 Works' retail distribution system.

24 Q How is that statement consistent with your earlier
25 statement that they may receive some redundancy or

1 backup benefit from Milwaukee Water Works'
2 distribution system?

3 A Well, once again, with the preface that I'm not an
4 engineer who's familiar with the hydraulics of the
5 Milwaukee Water Works' system, it's potentially
6 conceivable that there could be some catastrophe on
7 Milwaukee Water Works' system associated with a 12
8 inch or smaller main size that perhaps limits the
9 ability of Milwaukee Water Works to deliver water to
10 a wholesale customer, but I'm very far out on the
11 ledge with that, and I feel very uncomfortable
12 testifying about it, and I think that would have to
13 be addressed with an actual technical expert.

14 Q Is it your understanding based on what you read of
15 Mr. Behm's testimony in the last case or the
16 Commission's decision that it would have to be the
17 same sort of emergency situation for MillerCoors or
18 other large industrial customers to take service from
19 smaller distribution mains on the system?

20 A My reading of Mr. Behm's testimony in the rate case
21 was that he made the argument that industrial
22 customers served by meters 8 inches or greater did
23 receive some benefit from the smaller distribution.
24 I can't -- I do not know if Mr. Behm's testimony in
25 the last rate case discussed this notion of a

1 catastrophic situation on the Milwaukee Water Works'
2 system and how that would or would not affect water
3 deliveries to industrial customers with meters 8
4 inches or greater in size.

5 MR. WILSON: Nothing further.

6 CROSS-EXAMINATION

7 BY MS. SILVER KARSH:

8 Q I have one question for you. On page 7, line 3 of
9 your surrebuttal testimony, you note that MWW agrees
10 that if a wholesale customer received no public fire
11 protection benefit from MWW's system, it should not
12 pay for any public fire protection. In your opinion,
13 is there a cutoff point for receiving a benefit? Is
14 it a sliding scale, or is it a one or a zero?

15 A That's a great question. And what I would say is I'm
16 trying to lay out in my testimony two tests that the
17 Commission has recently presented. Test number one
18 was the test that occurred in the Franklin-Oak Creek
19 rate case that tried to address the question of when
20 is a benefit received or when is a benefit not
21 received from the Milwaukee Water Works' system as it
22 relates to public fire protection services provided
23 to wholesale customers.

24 And in the Oak Creek rate case, the
25 Commission laid out what I believe were sort of four

1 key points in considering whether that benefit is
2 received, and that was can -- in this case, the
3 wholesale customer in question was Franklin. Does
4 Franklin have the capability to meet its maximum day
5 and public fire flow requirements based on its own
6 storage.

7 Criteria number two was could Oak Creek,
8 which was the retail utility providing the supplies
9 to Franklin, provide maximum day plus public fire
10 flows off the Oak Creek system to Franklin.

11 The third test, I believe, was whether
12 there were any contractual limitations on Oak Creek's
13 ability to serve Franklin during a fire situation.

14 And I believe the fourth test related to
15 the fact that there were flow control devices between
16 Franklin and Oak Creek that were set to limit the
17 amount of deliveries that Oak Creek made under
18 virtually any circumstances.

19 And so those four tests, as I understand
20 the Commission's decision in the Oak Creek rate case,
21 were utilized by the Commission to draw the
22 conclusion that Franklin did indeed not receive any
23 benefit from the Oak Creek system from a wholesale
24 public fire protection perspective and, therefore,
25 should not be allocated any costs.

1 The second Commission decision that's
2 relatively recent, it seems to have relevancy, is
3 the recent Kenosha decision. And both of these,
4 Franklin-Oak Creek decision and the Kenosha
5 decision, is cited in my testimony with the
6 appropriate docket numbers and PSC reference
7 numbers. But in the Kenosha case, I believe that
8 there was a wholesale customer that argued it should
9 not be allocated any public fire protection costs,
10 and I believe that customer was Pleasant Prairie.

11 The Commission disagreed with Pleasant
12 Prairie's perspective, as I interpreted the
13 decision, because Pleasant Prairie could not
14 demonstrate that it had the ability to meet its own
15 max day and public fire flow demands on its own.
16 Therefore, Pleasant Prairie's petition to not be
17 allocated those costs was declined by the
18 Commission.

19 And so in asking for a bright line as to
20 when you do or do not receive benefit, I can only
21 cite those two decisions as examples of the criteria
22 that the Commission has recently used.

23 Q In looking at the factors that the Commission
24 discussed in Oak Creek and Franklin, did you look at
25 those factors and apply those to the wholesale

1 customers?

2 A I only did so from the perspective of a
3 nonengineering witness who was reading Mr. Kaempfer's
4 testimony and the testimony of other witnesses on
5 behalf of the wholesale customer group and trying to
6 understand whether those specific criterias had
7 been -- criterion had been addressed by them --
8 criteria, criterion -- in their testimony, and my
9 conclusion was, is as a nonengineering witness, that
10 they had not really been addressed adequately. So,
11 therefore, the case to disallow the allocation of
12 public fire protection costs was not made.

13 Q Is there anybody that you could have worked with who
14 would have looked at that technical aspect to kind of
15 review those same factors and support your opinion
16 or --

17 A Well, that was the purpose of Mr. Pauly's testimony
18 on behalf of Milwaukee Water Works in this docket.

19 Q And did you work with him on this issue?

20 A Only in the sense that we all reviewed our testimony
21 and commented as part of the drafting phase.

22 MS. SILVER KARSH: Okay. All right.

23 Thank you. No further questions.

24 REDIRECT EXAMINATION

25 BY MR. MILLER:

1 Q You talked about the Oak Creek and Kenosha examples.
2 Do you believe the Milwaukee Water Works' situation
3 more closely resembled the Oak Creek-Franklin
4 situation or the Kenosha-Pleasant Prairie?

5 A I would say the Kenosha-Pleasant Prairie fact
6 pattern.

7 Q Okay. And is that described in your rebuttal and
8 surrebuttal testimony?

9 A I believe that it is described in my surrebuttal
10 testimony of Mr. Behm.

11 MR. MILLER: Okay. Thank you.

12 EXAMINER NEWMARK: Okay. Thanks. You're
13 excused.

14 (Witness excused.)

15 EXAMINER NEWMARK: All right. That's all
16 we have for Milwaukee. Let's move on, and I think
17 we can get at least one witness in for wholesale --
18 I think we have MillerCoors on the list first.

19 MR. WILSON: You had us on the list -- I
20 think we were after Wholesale.

21 EXAMINER NEWMARK: Oh, you were?

22 MR. WILSON: Uh-huh.

23 EXAMINER NEWMARK: We'll stick to that.

24 MR. WILSON: It doesn't matter.
25

1 EXAMINER NEWMARK: So wholesale customers
2 can call their first witness.

3 MS. KOBZA: Our first witness is Andrew
4 Behm.

5 ANDREW BEHM, WHOLESALE CUSTOMERS WITNESS, DULY SWORN

6 DIRECT EXAMINATION

7 BY MS. KOBZA:

8 Q Could you please state your name for the record?

9 A Andrew Behm, B-E-H-M.

10 Q By whom are you employed and what is your position?

11 A I'm a consultant working with SEH, Short Elliott &
12 Hendrickson on this project.

13 Q On whose behalf are you testifying?

14 A The group of wholesale communities.

15 Q Have you submitted written direct testimony dated
16 June 4, 2014, rebuttal testimony dated June 13, 2014,
17 and surrebuttal testimony dated June 20th?

18 A I have.

19 Q Is that testimony true and correct?

20 A Yes.

21 Q Have you also submitted Exhibits Behm 1 through 5?

22 A Yes, I have.

23 Q And are those true and correct?

24 A Yes.

25 Q Have you reviewed the surrebuttal testimony filed in

1 this proceeding?

2 A I have.

3 Q And have you heard the testimony offered earlier
4 today?

5 A Yes, I have.

6 Q Do you have any response or comment you would like to
7 make in response to either the surrebuttal testimony
8 or the testimony you heard previously today?

9 A I do have a couple of comments. Related to
10 Mr. Brandt's recalculation of the so-called dividend
11 rate, I disagree with his choice of a baseline for
12 comparison. I would note that in the 2010 order, the
13 PSC said that the purpose of the differential was to
14 mitigate rates for retail customers by setting the
15 rate of return 100 -- 100 basis points lower than
16 wholesale. I think that is a more appropriate basis
17 for comparison to compare between the wholesale rate
18 and the retail rate rather than what Mr. Brandt does,
19 which is to use a hypothetical counterfactual of I
20 think 13 basis point difference.

21 I'd also note that there was some
22 surrebuttal testimony from Ms. Lewis and Mr. Wright
23 about the risk of wholesale customers leaving the
24 system compared to the risk of retail customers
25 leaving the system. Ms. Lewis suggested that

1 Milwaukee Water Works could replace retail customers
2 with new retail customers, which it couldn't do for
3 wholesale. I'm not aware that the population of
4 Milwaukee has always been less than or equal to what
5 it is now, and I believe that that argument applies
6 equally to both the retail and the wholesale
7 customers.

8 Related to Mr. Wright's comments about
9 the -- the transmission and distribution mains, I
10 appreciate the clarification. I would like to point
11 out that in 2000 -- in the 2009 to '11 rate case,
12 the PSC did specifically decide that actual costs
13 should be used to allocate contributions for water
14 mains, and I think while that's not exactly the same
15 issue, it is helpful for us to see an appropriate
16 allocation of utility-financed mains for
17 transmission distribution.

18 That's all I've got.

19 MS. KOBZA: That's all.

20 EXAMINER NEWMARK: Okay.

21 Cross-examination?

22 MR. WILSON: No.

23 MS. SILVER KARSH: No.

24 CROSS-EXAMINATION

25 BY MR. MILLER:

1 Q Mr. Behm, you said that you're employed by -- did you
2 say SEH?

3 A (Witness nods head.)

4 Q You're -- how long have you been employed there?

5 A So I'm just working as a consultant on this case for
6 them.

7 Q On this rate case. Do you have any other current
8 employer?

9 A I -- I am planning to start on Monday an internship
10 at the Food Safety Inspection Service of the USDA,
11 and that will just be for the summer. My main
12 occupation is as a student.

13 Q Thank you. You previously worked, however, at the
14 Public Service Commission?

15 A Right.

16 Q And you were at the Public Service Commission during
17 Milwaukee Water Works' last rate case?

18 A That's correct.

19 Q You provided, prepared, and sponsored the cost of
20 service study in that rate case, correct?

21 A That's correct.

22 Q And that was the only cost of service study presented
23 to the Commission in that case?

24 A Right. I believe that Milwaukee Water Works didn't
25 present one, and the wholesale interveners in that

1 case did not present one.

2 Q Your opinion in this rate case is that the Commission
3 should deny Milwaukee Water Works' request for a
4 differential rate of return, correct?

5 A That's correct.

6 Q And specifically you've opined that the differential
7 rate of return is a, quote/unquote, subsidy?

8 A Yes, I said that.

9 Q And specifically that it's a subsidy because the
10 costs shifted to wholesale customers are not
11 reasonably justified by the cost to serve the
12 wholesale communities?

13 A That's correct.

14 Q The cost of service study that you sponsored in
15 Milwaukee Water Works' last rate case contained a
16 differential rate of return, correct?

17 A Yes.

18 Q Were you aware that at the time that you were giving
19 your testimony in that case that -- that the
20 differential was in place?

21 A I was aware that that study contained a differential.

22 Q And that it was a contested issue?

23 A I believe it was a contested issue.

24 Q That the cost of service study that you prepared
25 contained actually a larger differential, 150

1 differential -- 150 basis point differential,
2 correct?

3 A I can't recollect the amount of the differential.

4 Q Okay. Did you think that -- did you think that the
5 differential in that case was a subsidy when you
6 sponsored the cost of service study?

7 A It wasn't my job at the Public Service Commission to
8 set the revenue requirement, including the rate of
9 return.

10 Q But using your definition of subsidy, was it your
11 responsibility to opine as to the reasonableness --
12 if there was an unreasonable shift of cost to
13 wholesale customers?

14 A I -- I would say that it was in the context of the
15 cost of service study. I didn't look at, for
16 example, what costs were at -- were classified in
17 which accounts, and depending on what costs were
18 classified in which accounts, that's another instance
19 where misclassified costs could be allocated in a way
20 that was correct in the cost of service but resulted
21 in an unfair allocation of those costs.

22 Q But does a subsidy imply -- would you agree that a
23 subsidy implies an allocation of costs, not a revenue
24 requirement issue?

25 A I -- I would agree that if the revenue requirement is

1 set incorrectly, that that does not constitute a
2 disparity between customer classes the way it would
3 as if it was a cost allocation issue.

4 Q Are you familiar with Wisconsin Statute 62.69(2)(h)
5 governing first class city utilities?

6 A I don't believe I am.

7 Q Okay. Just going to -- just so you have it in front
8 of you.

9 A Sure.

10 Q This statute applies to first class city utilities.
11 You understand that Milwaukee Water Works is the only
12 first class city utility?

13 A Yes.

14 Q And I just want to direct your attention to the
15 portion that I highlighted.

16 MR. MILLER: Do you want a copy? I'm not
17 making it an exhibit.

18 MR. WILSON: What's the statutory
19 reference?

20 MR. MILLER: 62.69(2)(h). I got it.

21 Sorry.

22 MS. KOBZA: Oh, got them? That's good.

23 MR. WILSON: Thanks.

24 BY MR. MILLER:

25 Q I just want to direct you to the portion where it's

1 talking about the sale of water to Milwaukee Water
2 Works' suburban retail -- or first class city utility
3 suburban retail customers, and here's the quote, may
4 not be less than one-quarter more than those charged
5 to the inhabitants to the city for like use of water.

6 Is the statute requiring a subsidy in your
7 opinion?

8 A Yes.

9 MS. KOBZA: Are you --

10 BY MR. MILLER:

11 Q But you understand that that's the basis for the 125
12 basis point differential between Milwaukee urban
13 customers and suburban retail customers, correct?

14 A Not 150 basis points.

15 Q I'm sorry.

16 A 125.

17 Q 125, yes.

18 A A 25 percent difference in the final rates but not in
19 the rate of return. But, yes, I understand that.

20 Q Okay. Thank you. In your surrebuttal testimony, you
21 disagreed with how Mr. Brandt characterized the
22 Kenosha PSC decision where the Commission denied the
23 differential rate of return. Mr. Brandt had, in
24 drawing the distinction, had used the phrase that
25 Pleasant Prairie was a captive customer due to its

1 contractual arrangements with -- with Kenosha, with
2 the wholesale supplier, and you had responded that in
3 my view it is not the legal language of the contract
4 that was important, but rather the lack of difference
5 between the risks presented by Pleasant Prairie and
6 those presented by retail customers.

7 Mr. Brandt didn't -- he took the term
8 captive customer right from the Kenosha decision,
9 correct?

10 A I'm not -- I can't speak to that.

11 Q Okay.

12 A Whether it was directly from the Kenosha decision.

13 Q Would it help if I just provided you with the
14 decision?

15 A Sure.

16 Q So on page 6 of that final decision, it says, the
17 Commission finds that Pleasant Prairie is essentially
18 a captive customer and that Kenosha does not bear
19 significant risk in serving it as a wholesale
20 customer.

21 You did testify in the Kenosha case, right?

22 A That's correct.

23 Q Do you know where the Commission got the term captive
24 customer in that case?

25 A I don't know with certainty. I speculate it might be

1 from my own testimony.

2 Q You argued that the differential was not reasonable,
3 right?

4 A Uh-huh.

5 Q Now this document I do want to make an exhibit
6 because it is your prior testimony in the Kenosha
7 case. I'm just going to read from page 12. I'm just
8 asking you to look at line 20. "Is the differential
9 rate of return justified by additional risk Kenosha
10 incurs to serve Pleasant Prairie?" And you answered,
11 "No. Kenosha incurs no greater risk in serving
12 Pleasant Prairie than it does in serving its retail
13 customers. Pleasant Prairie is by contract a captive
14 customer. The 2000 amended water issues agreement
15 provides in Section 1.1 that the village parties
16 shall purchase water exclusively from the KWU and
17 shall not operate or use an alternative water supply
18 source or alternative water treatment plant and shall
19 not contract or arrange with any other person or
20 entity for the operation or use of an alternative
21 water supply source or alternative water treatment
22 plant. Section 4 of the agreement provides that in
23 the absence of a party's breach, the terms of this
24 agreement is permanent. Under these circumstances,
25 Pleasant Prairie is contractually obligated to

1 purchase and use Kenosha water for the foreseeable
2 future."

3 You agree that that was your testimony in
4 that case?

5 A Yes.

6 Q In your discussion of Mr. Brandt's testimony this
7 morning, does your example provide a different
8 revenue requirement than Milwaukee Water Works is
9 requesting?

10 A Could you repeat the question?

11 Q When you were discussing your response to
12 Mr. Brandt's testimony on cross -- not on
13 cross-examination but his clarification, does the
14 example that you provide -- you provided provide a
15 different revenue requirement than Milwaukee Water
16 Works is requesting?

17 A So you are asking if -- if I were to calculate a
18 revenue requirement for every customer class having a
19 return of 6.25 percent, would that be different than
20 the revenue requirement you would calculate using the
21 differential?

22 Q Yes. Because you assure that the 6.25 was the
23 baseline?

24 A That would be a different total revenue requirement.

25 Q Okay. Would it be higher or lower?

1 A It would be higher.

2 Q And do you know -- do you know how much higher?

3 A I expect it would be higher by the amount of what I
4 called the dividend in my testimony. I can't recall
5 exactly what the number was.

6 Q Does Mr. Brandt's example that he provided today
7 provide for the same level of revenue requirements?

8 A I haven't checked it, but I believe that it would.

9 Q Is it appropriate to do the analysis around some
10 revenue requirements, not a theoretical -- around the
11 same revenue requirements, not a theoretical higher
12 revenue requirement?

13 A I don't believe that it makes a difference for the
14 purpose of calculating the savings to retail
15 customers from 100 -- from 100 basis point
16 differential. I would note that using a different
17 amount of a differential for the baseline would make
18 a difference in the comparison.

19 MR. MILLER: I don't have any further
20 cross.

21 EXAMINER NEWMARK: All right. Any cross?

22 MS. SILVER KARSH: Un-huh.

23 EXAMINER NEWMARK: Redirect?

24 MS. KOBZA: No.

25 EXAMINER NEWMARK: No, all right. Thank

1 you, sir. You're excused.

2 (Witness excused.)

3 EXAMINER NEWMARK: Let's go off the
4 record.

5 (Discussion held off the record.)

6 EXAMINER NEWMARK: Let's get on the record
7 for a second.

8 MR. MILLER: Six.

9 EXAMINER NEWMARK: Behm 6.

10 MR. MILLER: Then Milwaukee Water Works
11 would move Behm 6 into the record.

12 EXAMINER NEWMARK: Then no objections?

13 (No response.)

14 (Exhibit Behm 6 marked and received.)

15 EXAMINER NEWMARK: Off the record.

16 (Discussion held off the record.)

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1 EXAMINER NEWMARK: All right. Let's get
2 on the record.

3 CHRISTOPHER KAEMPFER, WHOLESALE CUSTOMERS WITNESS,

4 DULY SWORN

5 EXAMINER NEWMARK: All right.

6 DIRECT EXAMINATION

7 BY MS. KOBZA:

8 Q Okay. Could you please state your name for the
9 record.

10 A Christopher Kaempfer.

11 Q And by whom are you employed?

12 A Kaempfer & Associates Consulting Engineers.

13 Q Whose behalf are you testifying?

14 A Milwaukee wholesale customers.

15 Q Have you submitted written direct testimony dated
16 June 4, 2014, rebuttal testimony dated June 13, 2014,
17 and surrebuttal testimony dated June 20, 2014?

18 A Yes, I have.

19 Q Do you have any corrections you would like to make to
20 any of those testimonies?

21 A Yes, I do.

22 Q Could you please describe that?

23 A Yes. Surrebuttal testimony, page 8. Should I read
24 what's there and what I would correct?

25 Q What lines do you --

1 A Lines 1, 2, and 3.

2 Q I'm sorry, what page did you say?

3 A Page 8.

4 Q 8, okay.

5 A Lines 1, 2, and 3.

6 Q All right. Why don't you read what's there and then
7 how you would correct it.

8 A Okay. Starting on line 1, "In 2003 the meters had
9 identical readings of about 2,500 gallons per minute.
10 We still don't know if the meters are reading correct
11 or incorrect. It appears that the Milwaukee Meter 2
12 is reading about 1,000 gallons per minute low."

13 What I would change to would be in 2013,
14 the meters still had different readings and we still
15 don't know if the meters are reading correct or
16 incorrect.

17 The next sentence would be eliminated.

18 I would also like to correct the exhibits.

19 Q Let's wait on that for a minute.

20 A Okay.

21 Q So with that correction to your surrebuttal
22 testimony, would the testimony you submitted be true
23 and correct?

24 A Yes.

25 Q Have you also offered Exhibits Kaempfer 1 through 5?

1 A Yes.

2 Q And do you have any changes or corrections you'd like
3 to make to those exhibits?

4 A I would like to replace Exhibit 4 with Exhibit 4r.

5 Q Okay. And I do have a copy of that. Can you explain
6 the correction on Exhibit 4r?

7 A The first page is Village of Greendale meter station
8 readings for July 2012, and it shows the two meters
9 1,000 gallons apart.

10 Q I just mean what is the change between what you --

11 A On the second page, it shows the meters in July of
12 2013 for the same period, and instead of the two
13 meters being shown to be identical, Meter 2 is now
14 shown to be at 1,500 gallons a minute instead of
15 2,500 gallons a minute.

16 Q Does this correct what Christine Cramer testified
17 earlier to as the problem with your Exhibit 4?

18 A Yes.

19 Q So with that correction, are your Exhibits 1 through
20 5 true and correct?

21 A Yes, they are.

22 MS. KOBZA: So I'd like to move then -- do
23 I have to do that, the correction 4r into the
24 record?

25 EXAMINER NEWMARK: Yes. Let's move it in.

1 Any objections?

2 MS. SILVER KARSH: No.

3 MR. MILLER: Are we objecting -- I mean,
4 is he also correcting the testimony as a formal
5 correction, in other words submitting 8r?

6 MS. KOBZA: We would submit a page 8r.

7 MR. MILLER: I would like to -- I mean, I
8 was listening to it, but I would actually like to
9 see what that looks like because I'm not -- I think
10 I would have to -- I mean, essentially the witness
11 is accepting the correction from Ms. Cramer, but the
12 line would still read, this alone should be
13 justification for not using the results of the
14 customer demand study, and I would object to any
15 correction that would not also include striking that
16 statement. The basis for the statement has been
17 retracted.

18 EXAMINER NEWMARK: Okay. Response?

19 MS. KOBZA: I guess I would ask the --
20 let's go to your testimony.

21 EXAMINER NEWMARK: Uh-huh.

22 MR. MILLER: And maybe this would be best
23 handled after cross-examination, but you've asked
24 for an objection and --

25 EXAMINER NEWMARK: No. That's --

1 MR. MILLER: Maybe I should place it as a
2 standing objection.

3 EXAMINER NEWMARK: No. We can resolve it.

4 MS. KOBZA: Yeah.

5 EXAMINER NEWMARK: I think -- let's see
6 what we can do.

7 BY MS. KOBZA:

8 Q Mr. Kaempfer, looking at your surrebuttal testimony
9 on page 8.

10 A Yes.

11 Q Lines -- the question beginning on page 7 and going
12 to line -- or page 8, line 6, with your correction,
13 is the question and answer that you provided there
14 correct in your view?

15 A Yes.

16 Q Could you explain what you mean on page 8, line 3,
17 beginning with, this alone should be justification
18 for not using the results of the customer demand
19 study?

20 A I question the 1,000 gallon per minute reading
21 between the two meters as being a problem. The other
22 exhibit from 2013 appeared to show that it was
23 corrected, but I -- the concern was two parallel
24 meters reading 1,000 gallons a minute apart. When we
25 reviewed the metering data for all the wholesale

1 customers, we noticed some where the meters tracked
2 identically and then we noticed some where they
3 didn't track identically, and this is the largest
4 discrepancy between the two meters.

5 Q So just to be clear, you are testifying -- you are
6 providing the answer on page 7 and 8 in response to
7 the question on page 7, line 14?

8 A That is correct.

9 MS. KOBZA: So I would -- I don't know how
10 you want to handle the correction.

11 EXAMINER NEWMARK: Let's leave the filed
12 testimony as is and just work off -- the transcript
13 will be considered his correction because I think we
14 need to show why Ms. Cramer filed her exhibit in
15 response to Mr. Kaempfer's earlier statement that
16 he's just corrected, at least partially, and you can
17 file -- let's file Kaempfer 4r as his -- as his next
18 exhibit, which would be 6.

19 (Exhibit Kaempfer 6 marked for identification.)

20 MS. KOBZA: So you want Exhibit 4r filed
21 as Exhibit 6?

22 EXAMINER NEWMARK: 6, right. And we'll
23 leave his testimony as is, and his surrebuttal,
24 filed surrebuttal, and just accept his correction on
25 the transcript.

1 Do you have any comment on that? We'll
2 see.

3 MR. MILLER: It's difficult not -- it's
4 phrased in terms of a correction, and you get the
5 benefit of reviewing the errata sheet, and I'm just
6 not -- I mean, I guess I would ask for the
7 opportunity to object to the correction, or at least
8 to have the question and answer read back.

9 MS. KOBZA: You may disagree with the
10 answer, but it is Mr. Kaempfer's answer. And, I
11 mean, just as far as the process here, Milwaukee
12 provided or asked for an information request
13 yesterday, which then was provided to Mr. Kaempfer.
14 Mr. Kaempfer reviewed the information request. As a
15 result of that, realized the second page of the
16 exhibit was wrong and corrected that. Before he was
17 able to provide that -- which was after the errata
18 sheet was provided. Before he was able to provide
19 that correction on the stand, Ms. Cramer discussed
20 the correction in her testimony, which was perfectly
21 appropriate.

22 MR. MILLER: Well, I understand.

23 MS. KOBZA: But I don't see --

24 MR. MILLER: Yeah.

25 EXAMINER NEWMARK: Uh-huh. Yeah, I think

1 this works out in terms of the record. So I'll
2 overrule the objection, but I think it's clear what
3 his -- what his -- what the basis of his statement
4 is now in terms of the justification of -- oh, his
5 criticism of the customer demand studies based on
6 the differential of the 1,000 gallon per minute flow
7 rather than the other issue he had previously.
8 So -- so we'll just move on from there.

9 MR. MILLER: Thank you.

10 MS. KOBZA: I do think we need to make it
11 clear.

12 BY MS. KOBZA:

13 Q Mr. Kaempfer, you are not claiming now that Exhibit 4
14 is true and correct?

15 A That is correct.

16 Q But you did offer that originally?

17 A I did.

18 Q And you are now offering Exhibit 6?

19 A That's correct.

20 Q As a replacement for Exhibit 4?

21 A As a correction, yes.

22 EXAMINER NEWMARK: Okay. Thanks.

23 BY MS. KOBZA:

24 Q Okay. Have you reviewed the surrebuttal testimony
25 filed in this proceeding?

1 A I have.

2 Q And have you heard the testimony that's been offered
3 here today?

4 A I have.

5 Q Do you have any response you would like to make to
6 that surrebuttal testimony or the testimony you've
7 heard here today?

8 A I do. I would like to respond to Mr. Granum, page 6,
9 lines 6, 7, 8, and 9. Mr. Granum makes the
10 statement, normally the pauses in data transmission
11 were over a relatively short period of time. So they
12 would require adjustments only if they occurred over
13 a longer period of time or occurred at a time where
14 it would result in a false peak day or hour.

15 I'd like to point out that he's inferring
16 that the way they corrected data would not have any
17 impact on the results, and I looked at the data for
18 West Pierce Meter Station in the City of West Allis,
19 and there was a gap in the data from August 10th
20 through August 12th, and at the end of the data, the
21 entire flow was reported over a one-hour period.
22 That's, I believe, a 410-hour period.

23 The data was then divided by the number of
24 hours and entered into the record or into the -- into
25 the flow metering or the database as a constant flow

1 for that whole time. What that did was when I looked
2 at the graph, it -- basically they had two meter
3 stations, one was reading correctly, one was reading
4 not. It was then putting a rectangular block of data
5 with no variability and then putting the block of
6 data with variability.

7 So when you look at the graph, there is --
8 the flow is varying from 1,000 gallons per minute to
9 9,000 gallons per minute before the correction. The
10 data is varying from two -- 2,500 to 5,500 using the
11 average. So it's basically dampening all the data.
12 This just happened to be over the same time period
13 that Milwaukee had their peak hour. It also went
14 into the next day when they corrected the data, was
15 the maximum day that Milwaukee said West Allis data
16 was at its maximum day, and what happened was --

17 MR. MILLER: I'm going to -- I'm going to
18 object. I let the first part of this go because it
19 was directed to a portion of the surrebuttal
20 testimony. I am wondering how much of this, though,
21 is a general critique of the customer demand study,
22 which should be in his earlier stages of testimony.

23 THE WITNESS: I'm specifically addressing
24 the longer period of time not affecting things.

25 MR. MILLER: My question isn't posed to

1 the witness, it's posed to the judge.

2 EXAMINER NEWMARK: Any response to that?

3 MS. KOBZA: I believe Mr. Kaempfer
4 responded that his response is to what's in
5 Mr. Granum's surrebuttal at page 6, that a data
6 adjustment doesn't impact the -- wouldn't result in
7 a false peak day or hour.

8 EXAMINER NEWMARK: Right. I was following
9 along in those lines, believe it or not, so continue
10 with your answer.

11 THE WITNESS: Thank you. Okay. So on the
12 maximum day reported by Milwaukee, part of the data
13 was the average from this gap in data. It happens
14 that West Allis uses Milwaukee meters on a daily
15 basis to determine the flow into their own system,
16 and the data that they report and the PSC reports is
17 from their -- their readings on the Milwaukee
18 meters. They didn't have any gap in their data
19 during this period. They had reported a lower
20 maximum day than what Milwaukee had calculated from
21 the adjusted data, so it does matter.

22 BY MS. KOBZA:

23 Q Do you have any other response to the surrebuttal
24 testimony or the testimony offered previously by
25 others?

1 A Yes, I do. Page 12, lines 8 through 15.

2 Q This is Mr. Granum's surrebuttal?

3 A It is. Mr. Granum questions or disagrees with how we
4 set the maximum day of -- or the maximum hour of
5 Milwaukee Water Works should be calculated. We had
6 stated that the maximum hour should be the sum of the
7 pump stations pumping water into the water
8 distribution system plus amount of water coming out
9 of their elevated storage tanks.

10 Mr. Granum says or states, "The Lincoln
11 and Florist stations and the Hawley and Greenfield
12 storage tanks should be excluded from this
13 calculation because they are simply redistributing
14 water throughout the water system."

15 Water coming from an elevated storage tank
16 into the system is meeting customer demands. The
17 Florist station and the Hawley station both have
18 reservoirs. The pumps are taking water out of the
19 reservoirs, same as the high lift pump stations are
20 taking water out of the reservoirs at the water
21 plants and using it to meet demands in the system.
22 This is the same demands that they're measuring in
23 the wholesale customers.

24 So, for example, if Milwaukee's reporting
25 160 being pumped out of the water plant and they're

1 also pumping 30 or 40 million gallons at a rate of 30
2 or 40 million gallons per day out of the ground
3 storage reservoirs, and also the water is coming out
4 of the elevated storage tank at a rate of 10 million
5 gallons, that is the rate that is being used in the
6 water system.

7 So if Milwaukee is not calculating their
8 maximum hour rate, then none of their ratios are
9 correct, and their proportions of cost being
10 distributed are incorrect. For example, if the
11 wholesale customers max hour total is 50 million
12 gallons a day, Milwaukee's is 150, then they're a
13 third of the maximum hour. If Milwaukee's is
14 actually 200, they're a fourth of the maximum hour.
15 It's a big issue.

16 Q Do you have any other responses?

17 A No.

18 EXAMINER NEWMARK: Okay, great. Thanks.
19 Well, I think we've gotten to the end of this
20 portion of the hearing. We're going to save
21 cross-examination for after the public session, and
22 we'll be back at 2 o'clock for that.

23 (Break taken from 1:24 p.m. to 2:00 p.m.)

24 (Change of reporters.)

25 * * *

1 EXAMINER NEWMARK: I believe Mr. Kaempfer
2 is up here for cross-examination. Sorry you had to
3 wait so long.

4 CHRISTOPHER KAEMPFER, WHOLESALE CUSTOMER WITNESS, RESUMED

5 MR. MILLER: We have no cross-examination
6 of Mr. Kaempfer.

7 EXAMINER NEWMARK: Anyone else? No?

8 MS. KOBZA: I do have a question for you.
9 Have you decided what you're going to do about
10 Pauly 2? Because if -- that may be an issue, then
11 Mr. Kaempfer would be able to speak about that.

12 EXAMINER NEWMARK: Let's get off the
13 record for a second.

14 (Discussion off the record.)

15 EXAMINER NEWMARK: We'll excuse you for
16 now and just say you're available for recall.

17 (Witness excused.)
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1 EXAMINER NEWMARK: Who do we have next?

2 MS. KOBZA: Our next witness is Patrick
3 Planton.

4 PATRICK PLANTON, WHOLESALE CUSTOMERS WITNESS, DULY SWORN

5 DIRECT EXAMINATION

6 BY MS. KOBZA:

7 Q Could you please state your name for the record.

8 A Patrick Planton.

9 Q And by whom are you employed and what is your
10 position?

11 A Short Elliott Hendrickson Engineering Company. I am
12 the water practice center leader.

13 Q On whose behalf are you testifying here today?

14 A The wholesale customer group.

15 Q Have you submitted written direct testimony dated
16 June 4th, 2014, rebuttal testimony dated June 13,
17 2014, and surrebuttal testimony dated June 20, 2014?

18 A I have.

19 Q Is that testimony true and correct?

20 A Yes.

21 Q Have you also submitted and offered into evidence
22 Planton Exhibit 1 through 11?

23 A Yes.

24 Q Are those exhibits true and correct?

25 A Yes.

1 Q Have you reviewed the surrebuttal testimony filed in
2 this proceeding?

3 A I have.

4 Q Have you also heard the testimony offered by other
5 witnesses today?

6 A Yes, I have.

7 Q Do you have any response or comment you would like to
8 make about that surrebuttal testimony or the other
9 testimony you've heard today?

10 A I would. First I'd like to make a correction to my
11 surrebuttal testimony to make sure that's accurate.
12 If you look on page 7, line 19 of my surrebuttal
13 where I make mention about the extra capacity costs
14 shifted to wholesale customers by over a million
15 dollars. That's actually only \$800,000. What I had
16 in there was both the transmission and distribution
17 allocations and the customer demand factor
18 allocations. So it actually should be 800,000, not a
19 million, so that should be corrected for the record.

20 Q I'm sorry, what page is that?

21 A Page 7 of my surrebuttal, line 19.

22 Q Line 19. So instead of over one million dollars,
23 that should say?

24 A 800,000. That's just for the customer demand
25 factors, not the transmission and distribution

1 allocations.

2 Q Okay. Do you have any other response you'd like to
3 make to your surrebuttal testimony or what you've
4 heard today?

5 A I do, and I know Mr. Kaempfer had touched on this and
6 I'm going to just bring it up again as a point.
7 Mr. Granum's surrebuttal testimony, page 12, the
8 question that starts with line number 8 about
9 responding to Mr. Kaempfer's concern about the use of
10 the Milwaukee Water Works data, particularly the
11 usage of the term max day and max hour. And I
12 actually have no problem with the paragraph answer by
13 Mr. Granum if he would change the one word on line 11
14 from hour to day, where he says that he calculates
15 the differences are due to supply-side pumpage versus
16 demand-side water use. In calculating the maximum
17 hour for the system, which is used to establish
18 system demand ratios, only water pumped from the
19 source of supply should be included, and they include
20 the following stations that are listed in his
21 surrebuttal testimony.

22 That's absolutely true for maximum day.
23 For maximum hour calculations, any water going into
24 the system -- and this is also what Mr. Kaempfer was
25 alluding to -- any water coming into the system, we

1 make maximum hour calculations, whether from the
2 supply side, pumping stations, the treatment plant,
3 or if it's coming from storage tanks, either by
4 gravity or by re-pumping storage. That's considered
5 to be water that's meeting a peak hour demand. In
6 the same respect, when that peak hour goes down below
7 what the average for the day would be, the utility
8 starts to refill their storage tanks. It's not
9 demand. It's water going back into storage tanks to
10 fill them up for the next maximum day so the next day
11 they could meet that maximum hour should it be
12 needed.

13 I do have a couple of questions on the
14 testimony today on that -- a couple of them
15 Mr. Granum had mentioned about the 360 retail
16 residential customers being representative and the
17 work that was done to ensure the various meter routes
18 in three of the locations of the city would be
19 representative of what the retail residential
20 customer demand would be. And I commend him for
21 doing that additional work. What's concerning is
22 that representative sample was cut in half to 185
23 retail residential customers. And from the
24 discussion today, I'm still not clear in my mind
25 where those residential retail customers were taken

1 from. What billing district of the three or what
2 actual meter routes other than the list that was
3 provided?

4 The reason why that's important is because
5 in -- on page 9 of the customer demand study, it's
6 made mention that there are different demand
7 characteristics in the three different areas of
8 Milwaukee. And I guess the wholesale customers want
9 to make sure that once that sample is cut in half,
10 we're still looking at a representative sample of
11 retail residential customers. Because retail has a
12 tremendous amount -- retail residential has a
13 tremendous impact on maximum day demand factors. And
14 consequently, peak hour as well. So that's one of
15 the other concerns we have, of where those actual 185
16 retail residential customers located on the map on
17 page -- I believe 30 of map 2 of the customer demand
18 study.

19 One more point, I think Ms. Cramer had
20 mentioned today on the stand about looking at
21 relative ratios of maximum day demand divided by
22 average day demand for a month. For example, the
23 month of July versus that same ratio of the maximum
24 day over the average day per month, say, for example,
25 in December. And our attorney was stating to the

1 point where there is a lot of discretionary outdoor
2 water use in July that doesn't exist in December.
3 Indoor water use may not change a lot. Of course,
4 the average in July would go up because some of that
5 outdoor use; but the peak is much higher than the
6 peak would be in December, January, February and
7 March.

8 That's one of the reasons why people put
9 on sprinkler meters, so that water that's used for
10 irrigation doesn't count against them. If they're
11 not putting it down in the sanitary sewer system,
12 they aren't going to be charged for the sewer
13 charges. Same kind of a concept.

14 And then lastly, responding to Mr. Pauly,
15 I think my testimony, rebuttal and surrebuttal, is
16 pretty clear about the wholesale customers have
17 facilities in place where they can meet their maximum
18 day, maximum day plus fire and their maximum hour
19 demand. And that's why they've installed redundant
20 pumping facilities, redundant ground storage
21 reservoirs, redundant elevated storage tanks. And
22 again, I have an exhibit that goes into very great
23 detail about how much water is available by the
24 wholesale customers for maximum day, max day plus
25 fire and for max hour. That's it.

1 MS. KOBZA: Thank you. That's all.

2 EXAMINER NEWMARK: Questions,
3 cross-examination?

4 CROSS-EXAMINATION

5 BY MR. MILLER:

6 Q Mr. Planton, you said that it was very concerning
7 that the residential customer sample was cut in half
8 you said down to 185 customers. And you said it's
9 very concerning and that this is very important to
10 know where those customers were from. That
11 information, you're not saying that the customer
12 demand study didn't discuss the size of the sample,
13 are you?

14 A No. That was put in the sample. It started at 360
15 and it was changed down to 185 for -- I believe
16 Mr. Granum mentioned that it was the best available
17 data that could be obtained.

18 Q Right. But the customer -- Trilogy in its customer
19 demand study pointed that out, correct?

20 A Yes.

21 Q And you had a copy of the customer demand study?

22 A Yes.

23 Q When did you receive a copy of the customer demand
24 study?

25 A I believe late April or early May.

1 Q Okay. So late April or early May. But you never
2 requested through the data request process for that
3 information, correct?

4 A Correct. And some of the testimony that we heard
5 today was the reason for my comment about, you know,
6 Trilogy can't come up with a reason why or where some
7 of those locations were and if they were
8 representative.

9 Q Okay. But, again, the question was you didn't ask
10 for that?

11 A I didn't personally, no.

12 Q Thank you.

13 MR. MILLER: Can I take one moment?

14 EXAMINER NEWMARK: Sure.

15 MR. MILLER: I have no further questions.

16 EXAMINER NEWMARK: Okay.

17 CROSS-EXAMINATION

18 BY MS. SILVER KARSH:

19 Q I do have one question for you.

20 A Good.

21 Q In your opinion, what sample size would be
22 appropriate in order to derive demand ratios that
23 reflect residential use appropriately?

24 A Can you be more specific? For New York City or --

25 Q No --

1 A -- for the City of Hartford, Wisconsin?

2 Q You talked about 185 customers being smaller. So
3 what led to your opinion in this context here?

4 A Realistically, you know, when they do polling for
5 presidential elections, what is it, 3 or 4 percent,
6 something like that, a much smaller sample size; and
7 there's a lot of scientific evidence about how small
8 a size you should have. I know that what Milwaukee
9 did for residential customers was a fraction of one
10 percent. Me being an engineer, we always like to
11 have more information rather than less and have to
12 make some presumptions that may or may not pan out to
13 be true. But I would say at least a percent or two
14 or more. Probably no more than about four. And that
15 could be very cost prohibitive in a case like this.
16 But what we're trying to do is make an apportionment
17 of costs between retail and wholesale as good as we
18 can. And getting back to the max hour versus max day
19 versus average day, that collecting max day and max
20 hour information off of peak summer seasons is not
21 really relevant to me. What we're trying to do is
22 apportion extra capacity costs and who causes those
23 extra capacity costs to be there. So we're looking
24 at who causes the maximum days to occur, what
25 customer groups or classes; and then the maximum hour

1 on that maximum day is the most important because,
2 again, we're not concerned about MillerCoors having a
3 peak day or a peak hour in January. They don't cause
4 Milwaukee Water Works to have extra capacity
5 facilities to meet that demand. Now, MillerCoors has
6 a peak hour on July 15th when everybody else in
7 Milwaukee has their maximum day, MillerCoors should
8 be apportioned those maximum hour costs because
9 they're creating the need for Milwaukee to have extra
10 capacity facilities. So I contend that maximum hour
11 should be measured on the maximum day. I've got one
12 data point for maximum day for retail in 2013, and I
13 have one maximum hour that may not even be on the
14 maximum day or even the maximum month. I know
15 Butler's got their maximum hour in April. I don't
16 really care about that.

17 So that's a long-winded answer for several
18 low percentage to peak ratios to make comparable or
19 credible assertions on demand.

20 Q So in studies that you performed for customer demand
21 ratios, how have you determined sample size for a
22 given utility or area?

23 A When we do customer demand studies for master
24 planning purposes, for supply purposes, for storage
25 purposes, we look at primarily the industrial

1 customers and we will actually go and interview or
2 survey or send questionnaires to all the largest --
3 depending on the community, largest customers in the
4 community. For example, it would be a good time to
5 sit down with the folks at MillerCoors and find out
6 what their demand needs are, are they going to use
7 more water, less water. So primarily we focus on
8 industrial customers, not so much against residential
9 customers. Milwaukee is a little bit different
10 because you've got those three distinct areas that
11 were called out on page 9 of the customer demand
12 study with different water use patterns. And if one
13 of those three areas is overrepresented in that
14 185-person residential sample, we're going to have
15 some results that potentially will be skewed.

16 Q So do you differentiate between residential demand
17 factors and industrial demand factors?

18 A Yes, absolutely.

19 Q Okay. All right. So what have you done for
20 residential demand factors in determining sample
21 size?

22 A The only thing I've ever done with -- related to
23 residential demand factors has been with military
24 facilities, at Bethesda Naval Hospitals, and for
25 looking at water audits for various communities. The

1 most recent one we did was for the Village of Howard
2 that is getting very expensive water from the Central
3 Brown County Water Authority. What we do there is
4 not do individual metering of customers. We do a
5 process that's called district metering, district
6 measurements, where we can actually go in and we can
7 create areas of a distribution system that's somewhat
8 homogeneous, residential areas, and actually monitor
9 all the water that goes into this district where we
10 can create demand factors for residential customers.
11 We can create diurnal curves for the customers within
12 there. It doesn't just have to be residential
13 customers. It can be any variety of land uses where
14 we can view that information. And that's actual
15 information of the water that's going in, other than
16 the waters that's being lost, that's meeting demand
17 for those customers. So individual customers, no;
18 district metering, absolutely.

19 Q And do you have direct experience with cost of
20 service study demand factors?

21 A I do.

22 Q Can you provide any examples?

23 A I've done probably cost of service studies, 10 at
24 least, less than 20, where we go in and actually on
25 Schedule 9 of the PSC spreadsheets, and that's where

1 those customer extra capacity factors get put in.
2 And I've been involved in projects where we've had to
3 put numbers in there.

4 MS. SILVER KARSH: Okay. Thank you. No
5 further questions.

6 THE WITNESS: You're welcome.

7 MR. MILLER: Could I ask a follow-up based
8 upon...

9 EXAMINER NEWMARK: Yes.

10 RE CROSS-EXAMINATION

11 BY MR. MILLER:

12 Q Have you ever done a customer demand study to
13 apportion the cost based on current use for rate case
14 purposes?

15 A I have not.

16 EXAMINER NEWMARK: Is that it? Redirect?

17 MS. KOBZA: No.

18 MR. MILLER: Sorry, I --

19 EXAMINER NEWMARK: You're not done?

20 MR. MILLER: Yeah.

21 Q Have you ever done an analysis that determined how to
22 select a sample of individual customers so that the
23 peaking ratios of the sample as a whole is
24 representative of the peaking ratios of an entire
25 class?

1 A Similar to Milwaukee?

2 Q Well, have you done one at --

3 A With our district measurement testing in the field,
4 we've come up with demand factors for various land
5 uses for various customers. I didn't use them
6 specifically for rate cases. I can't say the clients
7 that we worked for didn't.

8 MR. MILLER: Okay. Thanks.

9 EXAMINER NEWMARK: All right. Redirect?

10 MS. KOBZA: Nothing.

11 EXAMINER NEWMARK: Thanks. You're
12 excused.

13 (Witness excused.)

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1 MS. KOBZA: Our next witness is Eric
2 Rothstein.

3 ERIC ROTHSTEIN, WHOLESALE CUSTOMERS WITNESS, DULY SWORN

4 DIRECT EXAMINATION

5 BY MS. KOBZA:

6 Q Could you please state your name for the record.

7 A Eric Paul Rothstein.

8 Q And by whom are you employed and what is your
9 position?

10 A Galardi Rothstein Group, I'm a principal, Chicago,
11 Illinois.

12 Q On whose behalf are you testifying today?

13 A The wholesale customer group.

14 Q Have you submitted written direct testimony dated
15 June 4th, 2014, rebuttal testimony dated June 13th,
16 2014, and surrebuttal testimony dated June 20th,
17 2014?

18 A Yes.

19 Q Is that testimony true and correct?

20 A It is.

21 Q Have you also submitted two exhibits, Rothstein 1
22 and 2?

23 A Yes.

24 Q Are those exhibits true and correct?

25 A Yes.

1 Q Have you reviewed the surrebuttal testimony filed in
2 this proceeding?

3 A I have.

4 Q And have you listened to the testimony previously
5 offered in this proceeding today?

6 A I have.

7 Q Do you have any response or comments you would like
8 to make about that surrebuttal testimony or the oral
9 testimony offered today?

10 A I think I just have one point of emphasis, building
11 on some of the testimony that's been offered by Pat
12 Planton. Specifically I wanted to address this issue
13 about the increases of the number of customers that
14 are drawn from in a sampling. It is no surprise that
15 as you increase the number of customers drawn from a
16 sample that there will be a convergence to a value
17 that is characteristic of that sample. But that's
18 really not the issue that's at play. So this
19 emphasis on, geez, we kept -- we increased the number
20 of customers that we sampled and it -- the results
21 just converged to a defined value is not really all
22 that relevant. What's important is the
23 representativeness of the various samples that are
24 taken in characterizing the population in aggregate.

25 A way to think about this would be to

1 think about it in political terms. You can draw lots
2 and lots of customers from Waukesha and you will keep
3 getting republicans. You can draw lots and lots and
4 lots of customers from City of Milwaukee, you'll
5 probably keep getting democrats. And if you draw
6 lots and lots of customers from the communist party,
7 you'll get lots of communists. But the question is
8 whether or not the sample populations collectively
9 will be representative of the population. And that's
10 why there is such a strong concern, for example,
11 about the locus of the samples that are drawn in the
12 residential demand study.

13 MS. KOBZA: Thank you. We have nothing
14 further.

15 EXAMINER NEWMARK: All right. Cross?
16 (Pause.) Mr. Miller, are you preparing a question?

17 MR. MILLER: We have no questions. Thank
18 you.

19 EXAMINER NEWMARK: Go ahead.

20 CROSS-EXAMINATION

21 BY MS. SILVER KARSH:

22 Q I have just a few questions for you. In your
23 opinion, what sample size would be appropriate for
24 demand ratios that reflect residential use
25 appropriately?

1 A Well, when you do this sort of work, and I have done
2 some of this type of analysis, it's important to do
3 some analytics on the population in aggregate, for
4 just the reasons that I spoke to. So if you've done
5 a lot of analysis about the relative homogeneity of
6 the population in aggregate, then the sample size can
7 be somewhat reduced. I think the types of numbers
8 that Pat was talking about, you know, one to three
9 percent of the customers, is probably reasonable. It
10 might be able to be a bit lower with some
11 demonstrative homogeneity. The demand study even
12 points to the fact that there is some variability
13 within, for example, the residential class. So that
14 would argue for needing to have a bit higher sample
15 size.

16 Q And in the studies that you've done, how have you
17 determined sample size? How have you determined
18 whether a population is homogenized or more varied?

19 A Well, typically you'll look at things like the demand
20 characteristics. So you'll look at billing data, you
21 will look at geographic dispersion, you'll look at
22 density, parcel information, really sort of anything
23 you can get your hands on. Some demographics about
24 the community. And depending on the level of
25 analytical rigor you want to pursue, you can do all

1 kinds of analytics about that population to try to
2 get a better understanding of what would be the
3 potential drivers for variability in demand
4 characteristics.

5 Q And do you have any direct experience of conducting
6 studies to develop residential demands factors for a
7 cost of service study?

8 A Well, yes. I was a project manager while with the
9 City of Austin. And this is a number of years ago.
10 I think this was actually one of the seminal studies
11 of this type of work in the industry, where we did
12 just that, we did the equivalent of load research for
13 water and wastewater -- for water customers for the
14 City of Austin. I was the client. I was the
15 financial manager for the City of Austin; and we
16 managed a project that involved a statistical
17 sampling protocol for residential, commercial,
18 industry, high tech industrial and whole population
19 sampling for wholesale users.

20 MS. SILVER KARSH: Thank you. No further
21 questions.

22 EXAMINER NEWMARK: All right.

23 MR. MILLER: Can I ask a follow-up off of
24 that line of questioning?

25 EXAMINER NEWMARK: Yes. We inspired you.

1 CROSS-EXAMINATION

2 BY MR. MILLER:

3 Q You said that it was a long time ago. How long ago
4 was that study?

5 A This is -- as I said, I think this is somewhat
6 seminal work, so this was back in the early 1990s.

7 Q But you did not, you did not author the study, did
8 you?

9 A No. The study was performed by Ch2MHill. Again, I
10 was the client. I worked very closely with the
11 consultants with Ch2MHill to perform the analysis.
12 We also had as part of that team a sub-consultant who
13 was specifically a statistician who helped us with
14 development of the sampling protocol.

15 Q And that is the only customer demand study that you
16 have been a part of?

17 A That's the only -- that's the only one I've managed.
18 I have been involved in other cost of service
19 studies. I can't --

20 Q Not -- I'm sorry. I don't think I asked for cost of
21 service study. Customer demand study to --

22 A Let me just finish.

23 Q -- to allocate cost based on current --

24 A No, I understand what you're saying.

25 (Interruption by the reporter.)

1 Q Based on current use for purposes of a rate case. So
2 let me, I guess, restate the question. Have you ever
3 done a customer demand study, have you ever performed
4 a customer demand study to apportion costs based upon
5 current use for a rate case?

6 A So my experience is that I managed the -- was a part
7 of the management team for the work in Austin, and I
8 have been -- participated in cost of service studies
9 in which demand studies were performed and I was part
10 of the teams that were involved in that work. I have
11 not personally managed those cost -- those demand
12 studies for the cost of service study, that were
13 supporting the cost of service studies.

14 Q Were you involved in those cases in determining the
15 sample size?

16 A No.

17 MR. MILLER: Thanks. That's all.

18 MS. SILVER KARSH: I do have one
19 additional question.

20 RECROSS-EXAMINATION

21 BY MS. SILVER KARSH:

22 Q What do you believe the level of analytical rigor
23 necessary in order to demonstrate that the demand
24 ratios used in the last cost of service study were
25 appropriate or inappropriate?

1 A The last cost of service study, is that the 2009
2 case? The last Milwaukee contested case?

3 Q Yes.

4 A I don't know. I don't know enough about what the
5 options were to be able to offer an opinion. I
6 would -- I think that the best thing to be able to do
7 would be to have effective demand metering. We have
8 a -- you have information that was used, and we
9 looked towards this study as a mechanism to provide
10 improvement. So we have to demonstrate that
11 improvement has actually been accomplished. As to
12 the level of the analytical rigor that was in the
13 previous study, I'm not prepared to comment on.

14 MS. SILVER KARSH: No further questions.
15 Thank you.

16 THE WITNESS: Thank you.

17 EXAMINER NEWMARK: Any redirect now?

18 MS. KOBZA: No.

19 EXAMINER NEWMARK: You're excused.

20 Thanks.

21 (Witness excused.)

22 EXAMINER NEWMARK: Let's move on to
23 MillerCoors. Who's your first witness?

24 MR. WILSON: Our witness Solomon Tesfai,
25 we sent around an e-mail last week asking if anyone

1 had questions and indicating that if no one did, he
2 wouldn't appear. Everyone indicated they would not,
3 so he's not here. We'll file an affidavit.

4 EXAMINER NEWMARK: All right.

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1 MR. WILSON: We call Philip Hanser.

2 PHILIP HANSER, MILLERCOORS WITNESS, DULY SWORN

3 DIRECT EXAMINATION

4 BY MR. WILSON:

5 Q Please state your name for the record.

6 A I'm Philip Q. Hanser, H-A-N-S-E-R.

7 Q Mr. Hanser, did you prepare and cause to be filed
8 direct, rebuttal and surrebuttal testimony as well as
9 errata in this case?

10 A Yes, I did.

11 Q And if I asked you the questions contained in your
12 direct, rebuttal and surrebuttal testimony today,
13 would your answers be the same?

14 A Yes, they would.

15 Q Did you also prepare and cause to be filed Exhibits 1
16 through 9?

17 A Yes, I did.

18 Q And is the information contained in those exhibits
19 true and correct to the best of your knowledge?

20 A Yes, the information is.

21 MR. WILSON: Mr. Hanser is available for
22 cross.

23 EXAMINER NEWMARK: Questions?

24 MR. MILLER: No, none from Milwaukee Water
25 Works. Thanks.

1 EXAMINER NEWMARK: All right. Staff?

2 MS. SILVER KARSH: I have a few questions.

3 CROSS-EXAMINATION

4 BY MS. SILVER KARSH:

5 Q Can you explain in more detail why you're concerned
6 about MWW's main replacement rates?

7 A Well, my concern is, is that there were statements
8 made by MWW with regard to one of the rationales for
9 the rate case -- for the increases in the rate was
10 the replacement of the mains. And the information
11 that was provided suggested that the rate of
12 replacement of those mains didn't substantially
13 change between the various changes in their revenue
14 requirements. And so the issue that arose was if
15 you're making this request for increased revenue
16 requirement and the basis for that request is the
17 need to replace mains, then that should have been
18 reflected in the -- in a change of the underlying
19 cost of service. And those revenue requirements
20 essentially didn't change between the prior --
21 between filings.

22 Q Do you know if MillerCoors was affected by the
23 May 17th, 2014, leaks resulting from the treatment
24 plant shutdown?

25 A No, I don't. I'm afraid that's a question that you

1 would have to pose to MillerCoors, the company.

2 MS. SILVER KARSH: Okay. No further
3 questions. Thank you.

4 EXAMINER NEWMARK: All right. Redirect?
5 No? All right. Sir, you're excused. Thanks.

6 THE WITNESS: Thank you.

7 (Witness excused.)
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1 EXAMINER NEWMARK: We'll move on to
2 Commission staff. Who is your first witness for
3 staff?

4 MS. SILVER KARSH: I'm just waiting for my
5 computer to come back. I'd like to call Kathy
6 Butzlaff to the stand.

7 KATHLEEN BUTZLAFF, STAFF WITNESS, DULY SWORN

8 DIRECT EXAMINATION

9 BY MS. SILVER KARSH:

10 Q Would you please state your name for the record.

11 A My name is Kathleen Butzlaff.

12 Q And what is your position at the Commission?

13 A I'm an audit manager in the Division of Water
14 Compliance and Consumer Affairs.

15 Q Did you prepare and cause to be filed direct
16 testimony in this proceeding?

17 A Yes, I did.

18 Q And if I were to ask you the same questions today,
19 would your answers be any different?

20 A No, they would not.

21 Q And did you prepare and cause to be filed Butzlaff
22 Exhibit 1?

23 A Yes, I did.

24 Q And is the information true and correct to the best
25 of your knowledge?

1 A Yes, it is.

2 MS. SILVER KARSH: The witness is
3 available for cross.

4 EXAMINER NEWMARK: All right. Questions?
5 No one? You're excused.

6 (Witness excused.)

7 EXAMINER NEWMARK: I believe Ms. Nieto is
8 not appearing.

9 MS. SILVER KARSH: That is correct. There
10 were no questions anticipated. She filed an
11 affidavit.

12 EXAMINER NEWMARK: Okay. Great.

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1 MS. SILVER KARSH: I'd next like to call
2 Anne Waymouth to the stand.

3 ANNE WAYMOUTH, STAFF WITNESS, DULY SWORN

4 DIRECT EXAMINATION

5 BY MS. SILVER KARSH:

6 Q Would you please state your name for the record.

7 A My name is Anne Waymouth.

8 Q And what is your position at the Commission?

9 A I'm a public utility auditor-advanced in the Division
10 of Water Compliance and Consumer Affairs.

11 Q And did you prepare and cause to be filed direct,
12 rebuttal and surrebuttal testimony in this
13 proceeding?

14 A Yes, I did.

15 Q And if I were to ask you the same questions today,
16 would your answers be the same?

17 A Yes, they would.

18 Q And did you prepare and cause to be filed Waymouth
19 Exhibits 1 through 5?

20 A Yes, I did.

21 Q And is the information true and correct to the best
22 of your knowledge?

23 A Yes, it is.

24 MS. SILVER KARSH: The witness is
25 available for questioning.

1 EXAMINER NEWMARK: Questions?

2 MS. KOBZA: We have some cross.

3 CROSS-EXAMINATION

4 BY MS. KOBZA:

5 Q I have a question for you on your surrebuttal
6 testimony. Page 5 going on to page 6. Starting on
7 line 19 on page 5.

8 In your answer to that question, you
9 discussed two different methods of allocating
10 transmission and distribution for utility finance
11 plans; is that right?

12 A That's correct.

13 Q Do you -- given this question that was asked, do you
14 have an opinion on which one of those two methods
15 would be most equitable to all customers?

16 A No. I think the record provides information about
17 both the benefits and difficulties with each method,
18 and they both have their merits and they both have
19 some difficulties.

20 Q Do you have an opinion on which one of these two
21 methods would most cost -- or closely follow a cost
22 causation -- most -- yeah, most closely follows cost
23 causation principles?

24 A No, I don't. Overall, our revenue requirement
25 reflects cost causations, and both of these are

1 methods of allocating those costs and they both have
2 their merits and their difficulties.

3 Q Well, does the Commission typically use actual costs
4 in allocating costs to customer classes?

5 A I'm not a rate analyst. The Commission uses actual
6 costs when it comes to developing the revenue
7 requirement.

8 MS. KOBZA: Okay. No further questions.

9 EXAMINER NEWMARK: Other cross?

10 MR. WILSON: I have one question.

11 CROSS-EXAMINATION

12 BY MR. WILSON:

13 Q Ms. Waymouth, I'm Joe Wilson on behalf of
14 MillerCoors. In your surrebuttal testimony, page 3,
15 you discuss what would be required in terms of
16 revenue requirement to finance -- or, excuse me, for
17 a return on rate base to finance 28.3 miles per year
18 of main replacements, right?

19 A That's correct.

20 Q Okay. And you suggest that the return rate base
21 would be 7.3 percent; is that right?

22 A That's correct.

23 Q Are you intending to submit as an alternative for the
24 Commission's consideration this higher return on rate
25 base in this case?

1 A No. This is information that would have to be used
2 in conjunction with a knowledge of their long-term
3 financing needs. So I raise the questions about
4 intergenerational equity. So if that was something
5 that was necessary over a long period of time in some
6 future case, maybe that would be reasonable. The
7 purpose here was to point out that one needs to know
8 what the long range plans are in order to put the
9 whole picture together.

10 Q So your intent in this case was to provide an
11 illustrative example, not to provide an option for
12 Commission adoption in this case; is that right?

13 A That's correct.

14 MR. WILSON: Thank you. Nothing further.

15 EXAMINER NEWMARK: All right. Redirect?

16 MS. SILVER KARSH: No.

17 EXAMINER NEWMARK: Okay. You're excused.

18 Thanks.

19 (Witness excused.)

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1 MS. SILVER KARSH: I'd like to call Denise
2 Schmidt to the stand.

3 DENISE SCHMIDT, STAFF WITNESS, DULY SWORN

4 DIRECT EXAMINATION

5 BY MS. SILVER KARSH:

6 Q Would you please state your name for the record.

7 A Denise Schmidt.

8 Q And what is your position at the Commission?

9 A I am a program and policy analyst.

10 Q And did you prepare and cause to be filed rebuttal
11 and surrebuttal testimony in this proceeding?

12 A I did.

13 Q And if I were to ask you the same questions today,
14 would your answers be the same?

15 A They would.

16 Q Based on your understanding of overall trends in
17 customer demand and retail sales, do you believe that
18 the customer demand ratio derived for the retail
19 class reflects these trends more representatively
20 than those derived by the Black & Veatch 1977 study?

21 A Yes, I do.

22 Q Could you please explain why.

23 A Yes. Given the information that utilities provide us
24 in their annual reports, which is publicly available
25 information, one can observe trends in the service

1 area and residential demands and retail demands and
2 retail sales in general, overall a decline in sales
3 per capita, per customer. And particularly --
4 there's been much discussion today on the residential
5 class in particular. And in looking -- in examining
6 those residential sales, it's pretty clear in the
7 Milwaukee retail area that residential per meter
8 sales have been pretty steady with slight decline;
9 but even during the years -- there's been discussion
10 about unusual weather years -- in the extreme weather
11 years, the 2012, 2013, not much variation. This
12 would seem to indicate a reduction in the peak demand
13 ratios is merited and that the direction indicated in
14 the demand study is not unreasonable to take in
15 account in considering cost of -- in the cost of
16 service study.

17 Q Given what you've heard in testimony today so far, do
18 you have any anything additional you'd like to add?

19 A I do not.

20 MS. SILVER KARSH: The witness is
21 available.

22 EXAMINER NEWMARK: All right. Questions?

23 MS. KOBZA: We have a few.

24 EXAMINER NEWMARK: Fine.

25 CROSS-EXAMINATION

1 BY MS. KOBZA:

2 Q In your role at the PSC, have you studied customer
3 water usage?

4 A Yes, I have.

5 Q Have you studied the reason for peak water usage?

6 A Yes, I have.

7 Q Do you have an opinion about the primary cause of
8 peak water usage for residential customers?

9 A Yes, I do.

10 Q And what is that opinion?

11 A Well, there are two primary reasons for that. One is
12 less discretionary use, which would be indoor use,
13 that does not typically generate a peak demand, but
14 rather an increase in demand over the average of the
15 year. And then the primary driver on peak demand is
16 indeed the discretionary use which is typically
17 outdoor water use in our state.

18 Q Would you agree that the amount of outdoor water use
19 done in a community may vary from year to year based
20 on weather?

21 A I do agree.

22 Q Would you expect that peak water use for residential
23 customers would be higher in hot, dry years?

24 A Yes, I would. That's why it's interesting to note,
25 and I think Mr. Rothstein aptly pointed out, that

1 demographics are important, an important factor. And
2 so what I've observed in some communities is that
3 that difference -- I looked in particular at 2011 to
4 2013 trends; and in some communities there was a huge
5 increase in residential per meter demand, in others
6 not so much. Interestingly, Milwaukee's demand on
7 the residential side was not particularly higher in
8 2012 compared to 2011 and, then again, compared to
9 2013.

10 Q And is that average day water use? What water use
11 were you looking at for the City of Milwaukee?

12 A I was looking it -- well, the information that's
13 publicly available to us is the annual demand. I
14 also looked at month-to-month pumpage; but that of
15 course is reflecting industrial, commercial,
16 residential, public authority use. So just taking up
17 the residential piece, I have -- you know, that's
18 annual data.

19 Q So you don't have data about summer in particular by,
20 like, your residential class?

21 A Correct. By class I do not.

22 Q If in a demand study, the goal was to come up with a
23 typical year, would you say 2013 would be that year?

24 A Based on -- ?

25 Q Based on weather and precipitation, water use,

1 anticipated water use.

2 A Yes. Although I have to add that I'm becoming
3 increasingly skeptical of anything defining a typical
4 year for weather.

5 Q If we were to use -- if demand factors were going to
6 be based upon 2013 for the residential customers, do
7 you think it would be equitable to base demand
8 factors for the wholesale customers also in 2013?

9 A Yes. I mean, typically speaking, I think you'd want
10 to look over the same time period. However, when you
11 look at the drivers of demand in any given system, in
12 that residential really does drive up peak demand,
13 and observing that the Milwaukee retail is not
14 particularly peaky on the residential side as a
15 class, I would say that that typical year is in
16 question.

17 Q Do you know, though, whether the Milwaukee
18 residential class is typically peaky since you
19 indicated you don't have any summer information for
20 the residential class?

21 A Yes. I'm sorry. I'm saying in average. I do
22 believe that, however, our average annual data that
23 was revealed in 2012 is pretty indicative of what
24 happened during that summer. And that would indeed
25 be the peak period.

1 Q Of 2012 or 2013?

2 A 2012. And I think -- so I know there's been a lot of
3 discussion about throwing out 2012 data. However, I
4 think -- and when you're looking at customer demand,
5 it was very revealing in terms of how water is used
6 in different communities.

7 Q For the residential, Milwaukee residential demand
8 factors, my understanding is that only 2013
9 information is used. Is that your understanding
10 also?

11 A I believe there was some 2012 data as well.

12 Q Do you have the copy of the report?

13 A Yes.

14 Q Let's see. Maybe page 93. About in the middle of
15 the page, since more than one ratio. Do you see that
16 sentence?

17 A No. Oh, now I see it. Yes.

18 Q So the highest of the three ratios, do you know what
19 time period that was based on? Didn't you hear
20 testimony earlier today that that was from July 14th
21 to August --

22 A That was 2013.

23 Q 2013?

24 A Um-hmm.

25 Q So for residential customers we're just using 2013

1 data, right?

2 A For this piece of the analysis.

3 Q Okay. Looking at the top of page 93.

4 A Yes.

5 Q Would you agree that what we're trying to calculate
6 for is the ratio that's listed on the left hand of
7 that side, maximum day per year over average day per
8 year?

9 A Yes.

10 Q If we assume that the sampling captured the maximum
11 day for the year for that 185 customers, we would
12 have the numerator of that ratio, would you agree?

13 A I would agree.

14 Q And would you agree that we could come up with the
15 average day for the year for those same 185 customers
16 by taking the annual water use for those customers?

17 A Yes.

18 Q Is there any reason that that wouldn't be a
19 reasonable way to calculate the maximum day for year
20 over average day for year for those 185 customers?

21 A That would not be unreasonable.

22 Q Do you believe it would be reasonable?

23 A I believe it's a reasonable alternative.

24 Q Looking -- staying on page 93, the second sentence
25 starting an important assumption. Do you see that

1 sentence?

2 A Oh, yes.

3 Q It says, "An important assumption that the analysis
4 makes is that peak usage ratios within any given
5 period during the year, month or quarter are fairly
6 constant compared to the peak ratios within any other
7 period."

8 Given your testimony that outdoor water use
9 is a driver for residential water use, would you
10 agree that that is -- do you believe that that
11 assumption --

12 MR. MILLER: I'm going to object to that.

13 Q -- is reasonable?

14 MR. MILLER: I don't think that
15 characterized the testimony for Milwaukee from the
16 witness.

17 MS. KOBZA: I'm taking Ms. Schmidt's
18 testimony where she indicated that she believed
19 outdoor water use was the driver of peak water use.
20 It was her earlier testimony.

21 EXAMINER NEWMARK: Overruled.

22 BY MS. KOBZA:

23 Q Do you agree with that -- or do you believe that
24 assumption is accurate?

25 A I don't have an opinion on that.

1 Q Do you have an opinion on whether the 185 -- the
2 sampling pool, the 185 samples, that sampling pool
3 that Milwaukee used is representative of Milwaukee's
4 residential customer group as a whole?

5 A I believe in general that it is possible to derive
6 representation of a greater population based on a
7 much smaller sample set. And anything north of 30 in
8 general can be representative, yes.

9 Q But I'm not -- I'm not talking about the size or the
10 number. I'm talking about the makeup. Would you
11 think that any -- would your opinion be that any 30
12 customers in the City of Milwaukee or 100 customers
13 in Milwaukee would be representative of the Milwaukee
14 residential customer class as a whole?

15 A No. But I do believe that the customer demand study
16 sampling methodology addressed that issue.

17 Q Do you understand from the methodology where the 185
18 customers came from?

19 A That is not entirely clear to me, how it went from
20 360 to 185.

21 Q Looking again at page 93. My understanding is that a
22 seasonal peaking factor was used in the calculation
23 in the demand study, and that the seasonal peaking
24 factor used was for the system as a whole as opposed
25 to the residential class in particular. Is that your

1 understanding?

2 A That was my understanding from this morning's
3 testimony, yes.

4 Q Would you expect the seasonal peaking factor for the
5 system as a whole to be lower than the seasonal
6 peaking factor for the residential class by itself?

7 A Actually, I'm not sure of that. Again, looking at
8 some more recent data on an annual basis, I'm not
9 sure I could -- I would draw that conclusion without
10 doing further analysis.

11 Q If -- staying on page 93, right below that, talks
12 about data for maximum hour?

13 A I'm sorry, right below what?

14 Q Right below the -- I'm sorry. The last two sentences
15 on page 93.

16 A Beginning with which sentence?

17 Q Because there are no data for any seasonal
18 characteristics for peak hourly usage, the same
19 seasonal factors as those used for the max day,
20 average day ratio tested calculations would be used
21 to calculate reasonable max hour, average day ratios
22 peak customer class. And then it says, "This assumes
23 that the relationship between the maximum hour usage
24 and the maximum daily usage remains constant
25 throughout the year, a common assumption in

1 determining peaking factors." Do you have an opinion
2 on the reasonableness of that last sentence?

3 A I do not.

4 Q Have you looked at the max day -- the retail max day
5 factors for other Wisconsin communities?

6 A Retail max day?

7 Q Retail max day.

8 A I have not.

9 MS. KOBZA: That's all I have.

10 EXAMINER NEWMARK: Okay. All right.

11 Where are we, other cross? No? I guess not. No
12 cross?

13 MR. MILLER: Just one question.

14 CROSS-EXAMINATION

15 BY MR. MILLER:

16 Q Does the -- and I'm actually looking at page 93.
17 Does the demand study include 2012 data in the
18 seasonal factors for the retail classes?

19 A I believe it does.

20 MR. MILLER: Thank you. That's it.

21 EXAMINER NEWMARK: Redirect?

22 MS. SILVER KARSH: No.

23 EXAMINER NEWMARK: All right. You're
24 excused.

25 (Witness excused.)

1 MS. SILVER KARSH: I'd like to call Sam
2 Shannon to the stand.

3 SAM SHANNON, STAFF WITNESS, DULY SWORN

4 DIRECT EXAMINATION

5 BY MS. SILVER KARSH:

6 Q Would you please state your name for the record.

7 A Sam Shannon.

8 Q And what is your position at the Commission?

9 A I am a rate analyst.

10 Q And did you prepare and cause to be filed rebuttal
11 testimony in this proceeding?

12 A Yes, ma'am.

13 Q And if I were to ask you the same questions today,
14 would those answers be the same?

15 A Yes, ma'am.

16 Q Have you had an opportunity to review the surrebuttal
17 testimony in this case?

18 A Yes, ma'am.

19 Q And also listen to testimony throughout the day?

20 A Yes.

21 Q In Ms. Lewis's surrebuttal testimony, on page 4, line
22 13, she discusses storage capacity for fire
23 protection and quotes a statement you made in
24 rebuttal testimony regarding ISO not representing
25 total capacity of a water distribution system. Would

1 you like to comment on that?

2 A Yes. My response is that, in addition to that, to
3 clarify that, in a cost of service study, the fire
4 flow is not meant to represent the actual
5 firefighting capacity in the utility system as well.
6 Rather, it's a number that is used to create a
7 separate allocation shared by all customers for the
8 benefit of having excess capacity available to fight
9 fires across the entire system. The ISO basic fire
10 flow is their term that is used to define the minimum
11 fire flow that a customer should expect at their
12 location throughout the system. The actual fire flow
13 needs or available capacity at those locations will,
14 of course, vary throughout the system. But the base
15 fire flow is a benchmark that can be used.

16 Since all customers share the PFP
17 allocation, setting the fire flow at a systemwide
18 expectation is reasonable. Therefore, that's why I
19 offer to use that benchmark in my previous testimony
20 as a more equitable means of basing the PFP
21 allocation.

22 Q Would you like to add anything further?

23 A No, ma'am.

24 MS. SILVER KARSH: The witness is
25 available for questioning.

1 EXAMINER NEWMARK: Okay. Questions? No?

2 All right. Thanks. You're excused.

3 (Witness excused.)

4 EXAMINER NEWMARK: That's the balance of
5 witnesses. I'm correct, right?

6 MS. SILVER KARSH: Yes.

7 EXAMINER NEWMARK: Yes. Okay. Let's get
8 off the record.

9 (Discussion off the record.)

10 (Brief recess taken.)

11 (Change of reporters.)

12 CHRISTOPHER KAEMPFER, WHOLESALE CUSTOMERS WITNESS,

13 PREVIOUSLY SWORN

14 EXAMINER NEWMARK: Okay. Sir, remember
15 you're under oath.

16 THE WITNESS: Yes, sir.

17 EXAMINER NEWMARK: And we will recall some
18 witnesses to correct some disputes on exhibits and
19 correct some testimony, so let's do that. Without
20 any further adieu, go ahead.

21 REBUTTAL EXAMINATION

22 BY MS. KOBZA:

23 Q Mr. Kaempfer, do you have a correction to your
24 surrebuttal testimony on page 10?

25 A Yes.

1 Q And on the line -- line 5 to line 8 with the sentence
2 beginning, an e-mail from Milwaukee Water Works'
3 attorney, would you like that sentence stricken?

4 A Yes, please.

5 MS. KOBZA: That is it for the
6 corrections.

7 EXAMINER NEWMARK: Okay. Great. So we
8 just need to refile that.

9 MS. KOBZA: Do you want that one refiled,
10 because we didn't refile the other correction we
11 made to his testimony?

12 EXAMINER NEWMARK: Well --

13 MS. KOBZA: Perhaps yes.

14 EXAMINER NEWMARK: This one, yes.

15 MS. KOBZA: Do you want to address the
16 other exhibit, admission of that?

17 EXAMINER NEWMARK: Sure. Yeah, I'll let
18 you guys just go at it.

19 MS. KOBZA: Well, I wouldn't generally ask
20 questions about the exhibit unless it was in
21 evidence.

22 EXAMINER NEWMARK: Okay. Well, let's do
23 it as an offer of proof for now, and so you can go
24 ahead and ask him.

25 MS. KOBZA: Okay. All right.

1 BY MS. KOBZA:

2 Q Mr. Kaempfer, have you seen what has been marked as
3 Pauly Exhibit 2?

4 A Yes.

5 Q Do you have any comments about that document?

6 A Yes, I do.

7 Q Could you please provide those?

8 A Yes, I will. This is supposed to indicate what
9 Milwaukee can provide, max day plus fire flow to each
10 wholesale customer, and what it does is it says
11 Milwaukee can provide a certain volume of water and
12 the Milwaukee water system at 20 PSI at the
13 connection point to the wholesale customer. It does
14 not indicate that the wholesale customer can use this
15 water.

16 And I'd like to just explain my reasoning
17 on that. We'll use Butler for one example, and it
18 says the calculated flow at the 16-inch main that
19 serves Butler is 4 million gallons per day. Now
20 Butler reached -- at 20 PSI. Now Butler receives its
21 water through a control valve and a flow control
22 valve, and there is, I believe, about 20 pounds of
23 pressure, and if I had time, I would give you the
24 exact numbers, but there's very low pressure
25 available at the point where the flow enters Butler

1 through the meters, and there is no -- there is
2 not -- if -- if there -- if Milwaukee pressure drops
3 below the valve, there is no flow into Butler. So
4 they can deliver it into their system. They cannot
5 deliver it into Butler's system because they aren't
6 demonstrating they have enough pressure.

7 The same thing is true in Greendale, and I
8 have a little better feel for that. There is about
9 40 feet of head available to drive water into
10 Greendale's system, and at the main -- at the main
11 metering point when it's connected to the southwest
12 district, that would be about 65 -- I believe 65
13 pounds of pressure. That forces the water through
14 the valve. If the pressure is only 20 PSI, the
15 pressure in the Milwaukee system would be below the
16 hydraulic grade line in Greendale, and there would
17 be no flow into Greendale.

18 So they say they can deliver it at a
19 20 PSI pressure, but they really cannot deliver it
20 at a usable pressure. This just shows that if there
21 was fire right at the connection to Greendale or
22 Butler, Milwaukee could fight the fire at that
23 point. It doesn't say that the water can actually
24 get into any of the wholesale customers.

25 They -- another example is Shorewood.

1 Shorewood has two pressure reducing valves. They
2 maintain a constant pressure on the Shorewood side
3 of the system, and then the available fire flow is
4 how much water can go from -- say, they maintain a
5 pressure of 65 PSI to 20 PSI in Shorewood's system.
6 It doesn't matter if Milwaukee's pressure on the
7 other side is 50 PSI or 100 PSI, Shorewood's flow is
8 governed by Shorewood's facilities.

9 And that was the point of my original
10 testimony saying that we aren't disputing that
11 Milwaukee has a huge system and has huge capacity to
12 provide water in Milwaukee. We're saying that the
13 wholesale customers don't -- Milwaukee doesn't
14 provide the wholesale customers the ability to use
15 the water. They all have pumps or flow control
16 valves or pressure reducing valves that basically
17 govern how much water can come into Milwaukee -- or
18 into those customers.

19 I would like to talk about New Berlin
20 also. They have a -- they have a demand limit.
21 It's not a limit. They have a demand -- they are
22 guaranteed six-and-a-half MGD with no penalty, and
23 they have a \$10,000 an hour penalty for -- for
24 demands exceeding the six-and-a-half MGD for I think
25 over 10 minutes, okay? Because of that huge

1 financial penalty, they have set their pumps so that
2 pumps will not operate over 6.4 MGD. Now these are
3 automated systems, and they do not know the
4 difference between a water main break, a fire, or
5 demand.

6 So in the case of New Berlin, again, it
7 doesn't matter how much of water Milwaukee has
8 available, they have created a situation where it is
9 not available. They only -- they only have
10 six-and-a-half MGD available.

11 We have also done modeling on Greendale,
12 and we created maps of Greendale showing the
13 available fire flow. We started out with just
14 Greendale with their proposed 750,000 gallon
15 elevated storage tank, and it showed that there were
16 areas of Greendale that the distribution system
17 could deliver 500 gallons a minute, 2,000 gallons a
18 minute, 3,500 gallons a minute, 4,000 gallons a
19 minute. We then added the flows that come through
20 the flow control stations, and we went up in
21 increments, and it basically showed that it didn't
22 really matter. Even if we could get more water from
23 Milwaukee, it really didn't change the available
24 fire flow in the community.

25 So those are -- to me, this shows that

1 Milwaukee has a very strong system, and they can
2 deliver large quantities of water out to various
3 points in their system, but it doesn't demonstrate
4 the wholesale customers get any benefit from it.

5 MS. KOBZA: Thank you. That's all I have.

6 EXAMINER NEWMARK: All right. Any
7 questions?

8 MR. MILLER: I have no cross.

9 EXAMINER NEWMARK: All right. Anyone
10 else?

11 MS. SILVER KARSH: No.

12 EXAMINER NEWMARK: Thanks. You're
13 excused. We don't need him back now, do we? Or we
14 may?

15 MS. KOBZA: Well, only --

16 MR. MILLER: Well, counsel is reserving
17 the opportunity should I call Mr. Pauly.

18 EXAMINER NEWMARK: Okay. We don't know
19 that.

20 MS. KOBZA: Yes. That's what I meant to
21 say.

22 EXAMINER NEWMARK: Yes. Glad we agree.
23
24
25

1 EXAMINER NEWMARK: All right. So who's
2 next.

3 MS. KOBZA: Patrick Planton.

4 PATRICK PLANTON, WHOLESALE CUSTOMERS WITNESS,
5 PREVIOUSLY SWORN

6 EXAMINER NEWMARK: You're still under
7 oath.

8 THE WITNESS: This thing?

9 EXAMINER NEWMARK: Yes, you got it.

10 REBUTTAL EXAMINATION

11 BY MS. KOBZA:

12 Q Mr. Planton, have you had an opportunity to review
13 what was provided to you as Exhibit Pauly 2?

14 A I have for a very limited time, but I have looked at
15 it.

16 Q Do you have any comments on that document?

17 A Just a few more. Some might be redundant with
18 Mr. Kaempfer's, but his points were basically the
19 ones that I'm looking at this information.

20 One question that I would have, not that
21 I'm doubting the veracity of the information that was
22 provided, but one of the questions I have for
23 Mr. Pauly is the -- exactly the type of testing you
24 did to come up with the data in the field. That
25 would be good to know. Then again, it looks like you

1 have verified it with your calibrated hydraulic
2 computer model, which is also pretty good.

3 Just to re-enforce what my statement was
4 before is that the wholesale customers really only
5 need the maximum daily demand for supply. They
6 don't need max day plus fire. They have their own
7 systems that will provide for fire protection,
8 storage and pumping in their distribution system.
9 Likewise, they don't need maximum hour. That's also
10 taken care of by their storage facilities, their
11 ground reservoirs, pumping and distribution system,
12 just max day.

13 Looking at a couple examples, Mr. Kaempfer
14 mentioned a few. The repumping situation, a good
15 example is Wauwatosa. According to the exhibit,
16 looks like Milwaukee can provide almost 30 million
17 gallons per day as a flow for Wauwatosa. And based
18 on my Exhibit No. 6, looking at max day plus fire,
19 what Wauwatosa needs is just over 14 million gallons
20 per day as a flow rate. They don't need the other
21 16 million gallons a day as a flow rate. There's
22 nothing they can do with it, and that kind of
23 reiterates what Mr. Kaempfer said.

24 Another example would also be Greendale,
25 and I think Mr. Kaempfer's very familiar with, and I

1 think there was a lot of testimony in the last rate
2 case and this one, again, about Greendale and their
3 ability to take water and use it. Milwaukee, by
4 their exhibit, says that they can deliver at 20 PSI
5 of pressure to Greendale 32 million gallons per day
6 of water. That's almost enough water that would
7 serve the maximum daily demand for all nine of the
8 wholesale customers. Their maximum daily demand in
9 2012 was about 40. There's no way that Greendale
10 needs that kind of water. There's nothing they can
11 do with it. It's an insurance policy that they
12 don't need and they shouldn't have to pay for, even
13 though the water -- the water quantity is available.

14 But if it was like Shorewood or the east
15 pressure zone of West Allis that actually does take
16 water directly from Milwaukee into their system, we
17 might have a different debate, but for the vast
18 majority of the wholesale customers that are taking
19 water of Milwaukee, all they need is max day.

20 And those are the extent of my comments.

21 EXAMINER NEWMARK: Okay.

22 MS. KOBZA: I have nothing further.

23 EXAMINER NEWMARK: All right. Questions
24 from Milwaukee?

25 CROSS-EXAMINATION

1 BY MR. MILLER:

2 Q Is it -- when you're talking about capacity on the
3 wholesale customer end in your examples.

4 A Uh-huh.

5 Q Are you saying that the wholesale customers don't
6 need max day plus fire?

7 A They don't. They need max day, that's it.

8 Q What if the -- does that assume that a fire occurs
9 when the tanks are full?

10 A Nope. My exhibits in my direct testimony allude to
11 the fact that I went through a supply storage
12 analysis for all eight of the wholesale customers,
13 not including Mequon, and it shows how much water
14 would be required for meeting that peak hour above
15 the max day demand rate coming from Milwaukee. It
16 also indicates how much fire protection would be
17 needed.

18 Now the numbers I have in those tables are
19 from the original cost of service, not with
20 Mr. Shannon's up to an additional 3,500 gallons per
21 minute. But even so, you can see the vast amount of
22 storage that's available, that they could meet a fire
23 after exhausting their peak hour storage in their
24 tanks.

25 That's how we size storage tanks as

1 engineers. We look at what's needed to meet that
2 peak hour above the maximum day demand flow coming
3 into the system from wells or from surface water or
4 from the wholesale supplier, and then I actually even
5 added an additional 15 percent on top of that for
6 operating their tanks with their pumps if they want
7 to do a little bit of off-peak pumping, those kind of
8 things, so --

9 Q Okay. And then specific --

10 MR. MILLER: I don't have any further
11 questions.

12 EXAMINER NEWMARK: Okay.

13 MR. WILSON: I have a question.

14 EXAMINER NEWMARK: Go ahead.

15 CROSS-EXAMINATION

16 BY MR. WILSON:

17 Q When you say that the wholesale customers don't need
18 or don't depend on Milwaukee Water Works for max hour
19 or for fire suppression --

20 A They do for max day.

21 Q Okay.

22 A But not max hour and not for fire flows.

23 Q Right. Doesn't that assume that at the time a fire
24 breaks out, their storage tanks are full?

25 A No.

1 Q It doesn't?

2 A No.

3 Q Explain that.

4 A I could probably illustrate it if I had a white
5 board, but when you look at storage, there's really
6 three categories of storage. When we look at sizing
7 tanks, we look at sizing storage for a system. And
8 this is redundant, but just bear with me. We look at
9 the amount of water that's necessary for that peak
10 hour event, late afternoon, early evening, middle of
11 summer, when a community can only provide so much
12 water on a daily basis, that average flow throughout
13 the whole day. They're not going to size their
14 supply facilities to meet that max hour, because they
15 can take that water from storage.

16 Contrast that to electric utilities. They
17 have no means of storing electricity, so electric
18 utilities have to provide maximum hour demand, and
19 that's why peak shaving is so important for electric
20 utilities, keep those peaks down, because the next
21 time they have to add generating capacity, it's \$500
22 million or something like that.

23 Water utilities are different. We can
24 take water out of storage, and it can occur after
25 we've had the peak hour period in the afternoon and

1 we have a fire at 10 o'clock at night. There's still
2 water in that storage tank. The storage tanks are
3 not designed just for that peak hour amount, but the
4 peak hour volume, the fire protection volume, then
5 also another volume so they can run their pumps on
6 and off over the top of the tank, how they turn on
7 and off their booster pumps, their high service
8 pumps.

9 So in answer to your question, Mr. Wilson,
10 they can have a fire event after their maximum hour
11 event has taken place and still have water leftover.
12 And in Exhibit 6 or 7 of mine from my direct
13 testimony shows that the vast majority of wholesale
14 customers have an abundance of storage available in
15 multiple facilities. So even if a storage facility
16 is down for painting -- typically people don't paint
17 their tanks in summertime for that exact reason. The
18 peaks happen in the summertime, max hour, max day, so
19 that's why communities like to take their tanks out
20 of service in the spring or fall to paint them to
21 alleviate that problem.

22 Same thing with pumps. The common
23 practice is not to take supply pumps out of service
24 in the summertime for that same reason. Now pumps
25 can fail, but there's redundancy built into every

1 system so you can still provide your maximum daily
2 demand assuming your largest unit is out of service.

3 Milwaukee does the same thing.

4 Milwaukee's a little bit different because we're
5 talking about tremendous excess capacity. If
6 Milwaukee was looking at having to add additional
7 water supply facilities, we'd be having a completely
8 different discussion here, but Milwaukee has water to
9 sell to any number of communities and have water
10 leftover.

11 You know, Waukesha approached Milwaukee.
12 Waukesha's maximum daily demand is 10 million gallons
13 per day, and Oak Creek can barely serve that demand.
14 Milwaukee could serve, with their excess capacity, 20
15 Waukeshas.

16 MR. WILSON: Nothing further.

17 EXAMINER NEWMARK: That's it. Anything
18 else? (No response.) No. Okay, you're excused.

19 (Witness excused.)
20
21
22
23
24
25

1 EXAMINER NEWMARK: And Mr. Pauly, do we
2 need him?

3 MR. MILLER: We are going to call
4 Mr. Pauly.

5 PATRICK PAULY, MILWAUKEE WATER WORKS WITNESS,
6 PREVIOUSLY SWORN

7 EXAMINER NEWMARK: That's okay. Remember,
8 you're still under oath.

9 THE WITNESS: Yes.

10 REBUTTAL EXAMINATION

11 BY MR. MILLER:

12 Q Mr. Pauly, would you like to respond about -- to the
13 comments made by Mr. Planton and Mr. Kaempfer to
14 Exhibit Pauly 2?

15 A Yes, yes. Briefly.

16 In response to Mr. Kaempfer, I'd merely
17 like to point out that the fire flow testing numbers
18 are a measure of the strength of our system, and
19 there's no intent to imply that we'd be supplying
20 these flows at 20 pounds of pressure.

21 As the caveat states, our systems
22 operation staffs would adjust pumps to supply the
23 strength and the pressure and to supply more water,
24 so that's only -- my only statement on that.

25 I would like to respond to Mr. Planton in

1 that in Mr. Kaempfer's examples for all wholesale
2 communities, he states that in response to a fire
3 flow condition, the tank levels would drop and the
4 wholesale community would either open a flow control
5 valve or turn on a pump and begin to withdraw water
6 from the Milwaukee Water Works' system. So he
7 failed to point out that his calculations show they
8 have the capacity, but they are also relying on
9 supplementary water from the Water Works' system in
10 response to that fire flow condition.

11 MR. MILLER: And for the record, we did
12 move the exhibit in. If I need to move it again, I
13 will.

14 EXAMINER NEWMARK: No.

15 MR. MILLER: Okay.

16 EXAMINER NEWMARK: I think it's in by
17 agreement.

18 MR. MILLER: Okay.

19 EXAMINER NEWMARK: And there's been cross,
20 so we'll count it in as of now.

21 I just wanted to know if we can clarify
22 something about Shorewood. I think Mr. Kaempfer
23 mentioned that -- let's see if I can remember this
24 correctly -- that there was an issue with Shorewood,
25 that it -- that there was a problem with the system

1 in terms of supplying Shorewood fire protection, but
2 I see on the exhibit that it says -- you know, the
3 last two columns for Shorewood, it says not supplied
4 and not available for the flow amounts. Is that --
5 does that indicate what he was trying to say, his
6 criticism, something that Shorewood wouldn't work in
7 this and -- but the exhibit says that it's, you
8 know -- you're not claiming that you're supplying or
9 that you can supply the max day and fire flow for
10 Shorewood according to this?

11 THE WITNESS: Well, under -- Planton 6
12 didn't include the max day demand for Shorewood, so
13 I was a little confused by Mr. Kaempfer's statement
14 in regards to those numbers as well.

15 EXAMINER NEWMARK: Okay. All right. And
16 I guess just in terms of the 20 PSI, were you -- so
17 you're saying that you could supply a community with
18 greater pressure depending on the situation, just
19 you ramp up that pressure?

20 THE WITNESS: Yes.

21 EXAMINER NEWMARK: Okay.

22 THE WITNESS: Through system adjustments.
23 And Mr. Planton questioned our fire flow testing
24 program, and I can comment on that as well. We
25 perform approximately 140 fire flow tests per year.

1 We have 700 active tests in the system, which means
2 they're on a five-year rotation. Our field person
3 that performs the test is very experienced, very
4 reliable, and very diligent.

5 EXAMINER NEWMARK: So why did you use the
6 20 PSI if, for example, with Glendale, I believe, or
7 Greendale, was -- needed more -- you need more
8 pressure to pass water through that meter, more
9 pressure than 20, is that what you're saying?

10 THE WITNESS: Are you referring to the two
11 flow control stations that are in service in
12 Greendale currently that Mr. Kaempfer was speaking
13 of?

14 EXAMINER NEWMARK: Mr. Kaempfer was saying
15 that, you know, certain -- these communities, you
16 need more pressure to overcome -- overcome the flow,
17 get the water into -- to pass the meter, pass to the
18 wholesale customer is more than 20 PSI, is that --

19 THE WITNESS: Yes, that is correct.

20 EXAMINER NEWMARK: Okay.

21 THE WITNESS: And they do currently have
22 more than 20. 20 is the DNR -- DNR standard for the
23 amount of flow that can be provided to -- as I said,
24 to show the relative strength of the system. So we
25 reduce everything to the flow, the calculated flow,

1 that could be provided at 20 PSI. It doesn't
2 represent actual pressures in the system.

3 EXAMINER NEWMARK: Okay. So your typical
4 test assumes 20?

5 THE WITNESS: We run a test. We measure
6 flow. We monitor pressure. We monitor pressure
7 before and after the flow. Then we take those
8 results, and so those results don't go down to 20.
9 We bring those results back to the office, and we
10 calculate how much flow would be available at 20
11 PSI.

12 EXAMINER NEWMARK: Okay. All right. Any
13 other questions? (No response.)

14 All right. So I think we're done with
15 Mr. Pauly.

16 MR. MILLER: Right.

17 EXAMINER NEWMARK: So you're excused.

18 THE WITNESS: Thank you.

19 (Witness excused.)

20 EXAMINER NEWMARK: And --

21 MR. MILLER: We're done.

22 EXAMINER NEWMARK: You're good?

23 MS. KOBZA: We're good.

24

25

1 EXAMINER NEWMARK: So we have one more
2 remaining issue, the customers --

3 MS. KOBZA: The 185.

4 EXAMINER NEWMARK: The 185, yeah.

5 MR. MILLER: Right.

6 CARRIE LEWIS, MILWAUKEE WATER WORKS WITNESS,

7 PREVIOUSLY SWORN

8 EXAMINER NEWMARK: Okay. Ms. Lewis,
9 you're still under oath.

10 THE WITNESS: Thank you.

11 EXAMINER NEWMARK: Okay.

12 MR. MILLER: The question was asked -- or
13 the request was made earlier today to provide 185 --
14 the annual water usage for the 185 customers used in
15 the sample.

16 MS. KOBZA: The 2013 one.

17 MR. MILLER: The two -- right. Not 2012
18 and 2013, but 2013.

19 THE WITNESS: So, I mean, we obviously
20 have the account number. We have the address that
21 was used in the data set. We can tell you what
22 route number they're in, so which little of the
23 little yellow, you know, ones that you filled in, in
24 which of those meter reading routes they are.

25 The -- we don't read every single meter in

1 the system on January 1st and December 31st, but I
2 can easily give you the four billing cycles that
3 include whichever year you just said it was. '13,
4 right?

5 MS. KOBZA: 2013, yes.

6 THE WITNESS: For each of those accounts.
7 It would take a day or two to pull it together but,
8 yes, it can be done.

9 MS. KOBZA: So when you say the four
10 billing cycles, that would be -- it would include,
11 you know, maybe January 15th to January 15th or
12 something?

13 THE WITNESS: Right, right.

14 MS. KOBZA: Yeah, that's fine.

15 THE WITNESS: It might include the
16 December before and the January after.

17 MS. KOBZA: That's fine. As long as it's
18 the 12-month period.

19 THE WITNESS: Yep. Can do.

20 EXAMINER NEWMARK: Okay. And in terms of
21 customer information, I mean, we could -- you could
22 file all the information confidentially or -- and
23 then there will be a redacted version, or do you
24 need customer information, personal information for
25 this purpose or indirect --

1 THE WITNESS: Can you just use the route
2 numbers? If we could even divorce the address from
3 it, then we will comply with Act 25, I think. If
4 the route number and the billing data would do it
5 for you. It doesn't tie it to any specific account
6 or address that way. You know, number 1, 2, 3, 4,
7 5, 6, 7, 8, 9, 10, the route and the corresponding
8 meter reads.

9 MS. KOBZA: I think that's a reasonable
10 way to go.

11 EXAMINER NEWMARK: Okay. All right. So
12 we know what we're doing then?

13 THE WITNESS: Yep.

14 EXAMINER NEWMARK: All right. So in the
15 next few days?

16 THE WITNESS: Absolutely.

17 EXAMINER NEWMARK: Great. Okay. Thanks.

18 (Witness excused.)

19 EXAMINER NEWMARK: All right. So any
20 other loose ends? (No response).

21 It doesn't look like it. All right.
22 Well, I don't think there's any other announcements
23 we need. We have a briefing schedule?

24 MS. SILVER KARSH: Yes.

25 EXAMINER NEWMARK: All set, yeah. Okay.

1 So I guess that's it for now. We're adjourned from
2 the technical session, and we'll be back at 6:00 for
3 the public.

4 (The hearing adjourned at 4:37 p.m.)

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1 STATE OF WISCONSIN)

2 MILWAUKEE COUNTY)

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4

We, JENNIFER M. STEIDTMANN, RPR, CRR,

5

Registered Professional Reporter, Certified Realtime

6

Reporter, Notary Public, and LYNN PEPPEY BAYER, CM,

7

Certificate of Merit, Notary Public, with the firm of

8

Gramann Reporting Ltd., 710 North Plankinton Avenue, Suite

9

710, Milwaukee, Wisconsin, do hereby certify that we

10

reported the foregoing proceedings had on June 25, 2014,

11

and that the same is true and correct in accordance with

12

our original machine shorthand notes taken at said time

13

and place.

14

Jennifer Steidtmann

15

16

Jennifer M. Steidtmann

17

Registered Professional Reporter

18

Certified Realtime Reporter

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Lynn M Bayer

20

21

Lynn Peppy Bayer

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Certificate of Merit

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Dated this 27th day of June, 2014.

25

Madison, Wisconsin.



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